

**Subdivision
Rules and Regulations**



**Planning Board
Town of Acton**

\$25.00

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Acton Planning Department
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TOWN CLERK, ACTON

SUBDIVISION

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PURPOSES of SUBDIVISION CONTROL

(Section 81-M of Chapter 41-G.L.)

"The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeals under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for all travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provisions for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the planning board shall receive the approval of such board if said plan conforms to the recommendation of the board of health and to the reasonable rules and regulations of the planning board pertaining to subdivision of land; provided, however, that such board may, when appropriate, waive, as provided for in Section 81-R, such portions of the rules and regulations as is deemed advisable."

SECTION 1

AUTHORITY

Under the authority vested in the Planning Board of the Town of Acton, Massachusetts by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Acton.

SECTION 2

GENERAL

2.1 DEFINITIONS

The definitions of the SUBDIVISION CONTROL LAW are incorporated herein (MGL, Ch. 41, S.81-L), unless expanded or clarified in the following. The words defined below are capitalized throughout these Rules. Where a defined word has not been capitalized, it is intended that the meaning of the word be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context.

ARTERIAL STREET	A STREET having an Average Daily Traffic volume of greater than 8000 vehicles per day. For proposed STREETS, the projected Average Daily Traffic volume shall be based on maximum potential build-out of all LOTS being accessed by said STREET, plus projected future through traffic volumes as deemed reasonable and realistic by the BOARD.
BOARD	The Planning BOARD of the Town of Acton.
COLLECTOR STREET	A STREET having an Average Daily Traffic volume of greater than 2000 and up to and including 8000 vehicle trips per day. For proposed STREETS, the projected Average Daily Traffic volume shall be based on maximum potential build-out of all LOTS being accessed by said STREET, plus projected future through traffic volumes as deemed reasonable and realistic by the BOARD.
CUL-DE-SAC STREETS	LOCAL STREETS open at one end only with special provisions for turning around.
DEAD-END STREETS	LOCAL STREETS open at one end only without turnaround.
EASEMENT	A right acquired by public authority to use or control property for a utility or other designated purpose.
EMERGENCY ACCESS WAY	A public or private WAY for secondary emergency access that is not generally available for vehicular travel, with a minimum twenty (20) foot right-of-way, a minimum ten (10) foot wide paved surface, three (3) foot shoulders, and posts or gates installed at all entrances. EMERGENCY ACCESS WAYS do not provide frontage.
LOCAL STREET	A STREET having an Average Daily Traffic volume of 2000 or fewer vehicles per day. For proposed STREETS, the projected Average Daily Traffic volume shall be based on maximum potential build-out of all LOTS being accessed by said STREET, plus projected future through traffic volumes as deemed reasonable and realistic by the BOARD.
LOT	An area of land, undivided by any STREET, in one ownership with definitive boundaries ascertainable from the most recently recorded deed or plan which is 1) a deed recorded in Middlesex

	County South District Registry of Deeds, or 2) a Certificate of Title issued by the Land Court and registered in the Land Court section of such Registry, or 3) title of record disclosed by any and all pertinent public documents.
MUNICIPAL SERVICES	Sewers, storm water drains, water mains, gas pipes, electrical lines, telephone lines, TV cables, fire alarm system, street lights, similar service installations and their respective appurtenances.
PARTIES IN INTEREST	<ul style="list-style-type: none"> • The person submitting a preliminary or definitive SUBDIVISION plan of land to the BOARD, and the owner(s) of the land shown on the SUBDIVISION plan. • Direct abutters to said land; abutters to the direct abutters within 300 feet of the boundary line of the SUBDIVISION; owners of land located directly opposite on any public or private STREET or way from the land shown on the SUBDIVISION plan; all as they appear on the most recent applicable assessor's tax list, including any such abutters or owners whose affected land is located in another city or town. The BOARD and the Planning Boards of every abutting city or town.
RESTRICTIVE COVENANT	Contract between the subdivider and the BOARD or other public authority concerning the use of the land inscribed on the definitive plan, or contained in a separate document referred to on the definitive plan.
RULES	The Acton Subdivision Rules and Regulations as set forth herein.
SERVICE STREET	A LOCAL STREET paralleling an ARTERIAL STREET or COLLECTOR STREET and specifically designed to separate land access from through traffic.
SINGLE ACCESS STREET	A CUL-DE-SAC STREET; a DEAD-END STREET; or other STREET having only one terminus onto a THROUGH STREET and providing access to other CUL-DE-SAC STREETS, DEAD-END STREETS, or STREETS forming a closed loop or circle.
STREET OR ROAD	A general term denoting a public or private STREET for purposes of public vehicular and pedestrian travel, including the entire area within the right-of-way.
SUBDIVISION	<p>Shall mean the division of a tract of land into two or more LOTS and shall include re-SUBDIVISION and, when appropriate to the context, shall relate to the process of SUBDIVISION of the land or territory subdivided; provided, however, that the division of a tract of land into two or more LOTS shall not be deemed to constitute a SUBDIVISION within the meaning of the SUBDIVISION CONTROL LAW if, at the time when it is made, every LOT within the tract so divided has frontage on:</p> <p>a) a public STREET accepted by the Town of Acton, the Commonwealth of Massachusetts, or Middlesex County under MGL Ch. 82, or a STREET which the Town Clerk certifies is</p>

	<p>maintained and used as a public STREET, or</p> <p>b) a STREET shown on a plan theretofore approved and endorsed in accordance with the SUBDIVISION CONTROL LAW, or</p> <p>c) a STREET in existence when the SUBDIVISION CONTROL LAW became effective in the Town of Acton, having, in the opinion of the Planning BOARD, sufficient width, suitable grade and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of MUNICIPAL SERVICES to serve such land and the buildings erected thereon. Such frontage shall be of at least such distance as is required by the Town of Acton Zoning Bylaw.</p> <p>Conveyances or other instruments adding to, taking away from, or changing the size and shape of LOTS in such manner as not to leave any LOT so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the SUBDIVISION CONTROL LAW went into effect in the Town of Acton, into separate LOTS on each of which one of such buildings remains standing, shall not constitute a SUBDIVISION.</p>
SUBDIVISION CONTROL LAW	Shall mean Sections 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws and any acts in amendment thereof, on addition thereto or in substitution therefor.
THROUGH STREET	A STREET having, by itself or by means of other STREETS, a connection at both ends to the overall ROAD system of the Town of Acton or of neighboring towns, so that each location on such STREET can be accessed through at least two alternative STREETS or combination of STREETS.
WAY, PATH	A general term denoting a public or private WAY for purposes of public non-vehicular travel, including the entire area within the right-of-way. Such WAYS or PATHS do not provide frontage.

2.2 COMPLIANCE of RULES with SUBDIVISION CONTROL LAW

These RULES contain for the reader's convenience, either verbatim or in slightly modified form relevant statutory provisions of MGL Ch. 41, the SUBDIVISION CONTROL LAW. These RULES are intended to comply with the SUBDIVISION CONTROL LAW and should be read to incorporate future changes in the SUBDIVISION CONTROL LAW. However, many aspects of the SUBDIVISION of land are not completely covered by the SUBDIVISION CONTROL LAW and these RULES contain definitions, procedural requirements, and design standards that are intended to be specific to the Town of Acton.

2.3 UNAPPROVED SUBDIVISION PROHIBITED

No person shall make a SUBDIVISION within the meaning of the SUBDIVISION CONTROL LAW of any land within the Town of Acton, or proceed with the improvement or sale of LOTS in a SUBDIVISION, or the construction of STREETS and WAYS, or the installation of

MUNICIPAL SERVICES therein, unless and until a definitive plan of such SUBDIVISION has been submitted to and approved by the BOARD as hereinafter provided.

2.4 COMPLIANCE of LOTS with ZONING BYLAW

All proposed LOTS within a SUBDIVISION shall comply with the Zoning Bylaw of the Town of Acton, Massachusetts.

2.5 REFERENCES

For matters not covered by these RULES, reference is made to the SUBDIVISION CONTROL LAW, MGL Ch. 41, S.81-K through 81-GG; the Wetlands Protection Act, MGL Ch. 131, S.40; and the State Environmental Code, Title V (310 CMR 15.00).

Design and construction of STREETS, WAYS, sidewalks, drainage structures, sewage disposal structures and other appurtenant structures, shall comply with the standards set forth in these RULES; the "Design and Construction Standards", Town of Acton, January 1975 as amended (see Appendix); "residential Street Design and Traffic Control", Institute of Transportation Engineers, 1989 or latest edition; "The Subdivision and Site Plan Handbook" Listokin & Walker, Rutgers University, 1989 or latest edition; "A Policy on Geometric Design of Rural Highways and Streets" published by the American Association of State Highway Officials, 1984 or latest edition; the "Highway Design Manual", published by the Commonwealth of Massachusetts Department of Public Works, latest edition; the "Standard Specification for Highways and Bridges", published by the Commonwealth of Massachusetts Department of Public Works, 1977 or latest edition; the "Massachusetts Department of Public Works Construction Standards", 1977 or latest edition; the "Manual on Uniform Traffic Control Devices" published by the Federal Highway Administration, latest edition; the "Seeley's Data Book for Civil Engineers", Volume I - Design, published by John Wiley & Sons, Inc., New York, latest edition; the "Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts", published by the United States Department of Agriculture, Soil Conservation Service, 1977 or latest edition. "Residential Streets", published by the American Society of Civil Engineers, the National Association of Home Builders and the Urban Land Institute, 1990 or latest edition. The above reference manuals may be referred to in various sections of these RULES.

SECTION 3

PLAN BELIEVED NOT to REQUIRE SUBDIVISION APPROVAL (ANR)

3.1 FILING of ANR PLAN

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with Land Court a plan of land, and who believes that his plan does not require approval under the SUBDIVISION CONTROL LAW must:

- 3.1.1 File with the BOARD a properly executed Application for Endorsement of Plan Believed Not to Require Approval (see Appendix - Form ANR) in triplicate.
 - 3.1.1.1 Submit a filing fee to cover the expenses incurred by the Town in reviewing the application. The filing fee shall be submitted in check form and made payable to the "Town of Acton".
 - 3.1.1.2 The filing fee shall be the amount established by the Board of Selectmen in accordance with MGL Ch. 40, .22F. The fee schedule is attached to these RULES for your information (see Appendix - Fee Schedule), but it is not part of these RULES. The filing fee is not refundable. The Planning Board does not have the authority to waive any portion of the filing fee.
- 3.1.2. Submit a plan prepared by a registered land surveyor, clearly and legibly drawn in compatible black drawing ink on polyester drafting film, or similar medium acceptable to the Registry of Deeds or Land Court, with two prints thereof, to the BOARD accompanied by the necessary evidence to show that the plan does not require approval.
 - 3.1.2.1 The dimensions of said plan shall be as required by the Registry of Deeds or the Land Court, as appropriate. The plan shall show:
 - a) identification of the plan by name of owner of record and location of the land in question,
 - b) locus of plan at Town Atlas scale of 1"= 200' or 1" = 100' depending on which sheet of the Town Atlas the land is located (consult Acton Planning Department),
 - c) the statement "Approval Under Subdivision Control Law Not Required",
 - d) sufficient space for the date and the signatures of the BOARD or its designee,
 - e) the zoning classifications, including overlay districts,
 - f) the location of any zoning boundary lines that lie within the area,
 - g) the Town Atlas map and parcel number(s),
 - h) the entirety of any LOT having its boundaries changed must be shown,
 - i) location of all existing and proposed bounds or permanent monuments marking the LOT lines,
 - j) notice of any decisions by the Zoning Board of Appeals, including but not limited to variances and exceptions regarding the land or any buildings thereon,

- k) PARTIES IN INTEREST from latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records,
- l) distance to the nearest road or to other permanent monument,
- m) location of existing buildings with front, rear and side yard setback dimensions,
- n) locations of cart paths, EASEMENTS, right-of-ways, wetlands, water courses and other significant natural features,
- o) If on the plan an area is left for the future possible construction of a road to back or adjacent land, a minimum 10-foot wide slope EASEMENT shall be shown on all LOTS abutting such road area to enable proper slope construction if and when the road is built. The slope EASEMENTS shall be conveyed with the EASEMENT for future roadway and utility construction of the road area,
- p) Signature and seal of registered land surveyor who prepared the plan,
- q) if the ANR plan is prepared using a computer aided drafting program, an electronic copy of the plan (on a medium and in a format directed by the Town Planner) shall be filed with the Acton Planning Department prior to endorsement.

- 3.1.3 File, by delivery or by registered or certified mail, a written notice with the Town Clerk which contains certification of the date of submission to the Planning BOARD, accompanied by a copy of the Application for Endorsement of Plan Believed Not to Require Approval. If notice is given by delivery, the Town Clerk, if requested, shall give written receipt therefor.

3.2 DETERMINATION THAT APPROVAL IS NOT REQUIRED

If the BOARD determines that the plan does not require approval, it shall, without a public hearing and within twenty-one (21) days of submission, endorse on the plan the words, "Planning Board Approval Under the Subdivision Control Law Not Required." This endorsement does not imply that the plan which has been submitted complies with the Zoning Bylaw of the Town of Acton. The signed original of said plan shall be returned to the applicant and the BOARD shall notify the Town Clerk, in writing, of its action. The endorsement may include a statement of the reason why approval is not required.

3.3 DETERMINATION THAT APPROVAL IS REQUIRED

If the BOARD determines that the plan does require approval under the SUBDIVISION CONTROL LAW, it shall, within twenty-one (21) days of submission of said plan, give written notice of its determination to the Town Clerk and the applicant.

SECTION 4

PROCEDURE for the SUBMISSION of CONCEPTUAL and PRELIMINARY SUBDIVISION PLAN

4.1 CONCEPTUAL PLAN

Many development impacts can be avoided or mitigated if recognized early in the development process. Therefore, it is recommended that the applicant prepare a conceptual SUBDIVISION plan and a draft Development Impact Report (see Appendix - Form D.I.R.) as early as possible.

- 4.1.1 Prior to the filing of a preliminary plan, the applicant should informally consult with the Planning Department staff to review a conceptual plan of a SUBDIVISION proposal and to discuss any issues raised in the preparation of the Development Impact Report. Staff will answer questions, offer suggestions related to the general concept presented, and discuss possibilities to minimize negative development impacts.
- 4.1.2 The purpose of this consultation is to provide the developer an opportunity to present the proposed SUBDIVISION in the earliest stages of the development process, before a significant amount of money is spent on engineering details.

4.2 PRELIMINARY PLAN

4.2.1 GENERAL

A preliminary plan of a SUBDIVISION may be submitted by the subdivider for discussion, modification, approval or disapproval by the BOARD. The submission of such a preliminary plan will provide the means for the subdivider, the BOARD, municipal agencies, and owners of property abutting the SUBDIVISION to discuss and clarify any of the problems of such a SUBDIVISION before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in every case.

- 4.2.1.1 Prior to the discussion of the preliminary plan with the BOARD, the subdivider should discuss his plans with the Chief of the Fire Department, the Water Supply District of Acton, the Board of Health, the Engineering Department, and the Conservation Commission. Note, that pursuant to the SUBDIVISION CONTROL LAW, the filing of a preliminary plan in the case of a non-residential SUBDIVISION is required.

4.2.2 APPLICATION

Any person who wishes to apply for approval of a preliminary SUBDIVISION plan shall file with the BOARD by delivery or registered mail the following:

- 4.2.2.1 Twenty-one (21) copies of a properly executed Application for Approval of Preliminary Plan (see Appendix - Form PP).
- 4.2.2.2 Twenty-one (21) copies of the Development Impact Report (see Appendix - Form D.I.R.)

- 4.2.2.3 Six (6) contact prints of the preliminary plan in the form set forth below, plus fifteen (15) copies of the preliminary plan reduced to fit legibly on 11"x17" or 8.5"x11" sheets.
- 4.2.2.4 Submit a preliminary plan filing fee to cover the expenses incurred by the Town in reviewing the application. The filing fee shall be submitted in check form and made payable to the "Town of Acton". The filing fee shall be the amount established by the Board of Selectmen in accordance with MGL Ch. 40, S. 22F. The fee schedule is attached to these RULES for your information (see Appendix - Fee Schedule), but it is not part of these RULES. The filing fee is not refundable. The Planning Board does not have the authority to waive any portion of the filing fee.
- 4.2.2.5 File, by delivery or by registered mail to the BOARD in care of the Acton Planning Department. If so mailed, the date of receipt shall be the date of submission of the plan.

4.2.3 FORM AND CONTENTS OF PRELIMINARY PLAN

The preliminary plans shall be drawn by a registered engineer or land surveyor in dark lines on white background, at a suitable scale to fit on a single sheet and it should be properly identified as a preliminary plan. It should show sufficient information about the SUBDIVISION to form a clear basis for discussion and for the preparation of the definitive plan. During the discussion of the preliminary plan, the complete information required by the definitive plan, the financial arrangements and proposed RESTRICTIVE COVENANTS will be developed. The preliminary plan shall contain the following information:

- 4.2.3.1 The SUBDIVISION name, north point, date, scale, boundaries, legend and title, "Preliminary Plan".
- 4.2.3.2 The names and addresses of the record owners, the applicant, and the name of the engineer or surveyor, and their appropriate seal.
- 4.2.3.3 The names of all PARTIES IN INTEREST, as determined from the most recent local tax list unless the applicant shall have more recent knowledge of such PARTIES IN INTEREST.
- 4.2.3.4 Existing and proposed lines of STREETS, WAYS, EASEMENTS, wetlands as defined by the Wetlands Protection Act (MGL Ch. 131, S.40) and the Acton Wetlands Protection Bylaw, and any public area within the SUBDIVISION in a general manner.
- 4.2.3.5 Existing and proposed drainage system, including existing adjacent natural waterways, in a general manner.
- 4.2.3.6 The approximate boundary lines of proposed LOTS, with approximate areas and dimensions.
- 4.2.3.7 Names, locations and widths of bounding STREETS approaching or within 500' of the SUBDIVISION.
- 4.2.3.8 Existing topography of the land, in a general manner.
- 4.2.3.9 Site features, such as, but not limited to, existing stone walls, fences, buildings, historic sites, rock ridges and outcroppings, swamps, wetlands and water bodies. Special attention should be given to noting physical features which define the boundaries of the SUBDIVISION.
- 4.2.3.10 The proposed names of the proposed STREETS and number on each LOT.

4.2.3.11 A locus map at a scale of 1"=200' showing the entire SUBDIVISION and any abutting property, adjacent STREETS, reference to the Town Atlas, the existing zoning of the area and any zoning boundary lines that lie within the area.

4.2.4 PUBLIC MEETING

To ensure that all PARTIES IN INTEREST have the opportunity to discuss any potential problems that may arise through the development of such a SUBDIVISION, before approval, modification and approval, or disapproval of the preliminary plan is given, a public meeting shall be held by the BOARD. A notice of the time and place of the public meeting and of the subject matter to be discussed, sufficient for identification, shall be given by the BOARD at the expense of the applicant by advertisement in a newspaper of general circulation in Acton not less than fourteen days before the day of such meeting, and by the applicant mailing a copy of such advertisement by first class mail to the property owner(s) and to all PARTIES IN INTEREST.

4.2.5 PLANNING BOARD ACTION

The BOARD may give such preliminary plan its approval with or without modification, or disapproval. Approval does not constitute approval of a SUBDIVISION but does facilitate the preparation of the definitive plan. The BOARD shall send a notice of its action to the Town Clerk and to the applicant within forty-five (45) days after the date of submission.

SECTION 5
PROCEDURE for the SUBMISSION and APPROVAL
of DEFINITIVE SUBDIVISION PLAN

5.1. PRE-APPLICATION CONSULTATIONS

Pre-application consultations between an applicant and the professional staff of the Town is recommended. The following RULES apply for pre-application consultations:

- 5.1.1 All correspondence and communication must be sent through the Planning Department or a copy shall be provided to the Planning Department.
- 5.1.2 The Town staff will review applications in an attempt to avoid unnecessary technical deficiencies in the application and promote efficiency in the formal review and hearing process. Staff may also be requested to review an application for its thoroughness and completeness; however, staff will not be responsible for assuring the accuracy, completeness or thoroughness of any application submitted for review. It is the responsibility of the applicant to assure that the application to be submitted to the BOARD for its review is thorough, complete and accurate.

5.2 SUBMISSION of DEFINITIVE PLAN

Any person submitting a definitive plan of a SUBDIVISION or a petition for modification, amendment, or rescission of a SUBDIVISION, shall file with the BOARD, by delivery or registered mail, the following:

- 5.2.1 Twenty-one (21) copies of an Application for Approval of Definitive Plan (see Appendix - Form DP).
- 5.2.2 Twenty-one (21) copies of the Development Impact Report (see Appendix - Form D.I.R.).
- 5.2.3 Filing Fees - Submit a definitive plan filing fee to cover the expenses incurred by the Town in reviewing the application. The filing fee shall be submitted in check form and made payable to the "Town of Acton". The filing fee shall be the amount established by the Board of Selectmen in accordance with MGL Ch. 40, S. 22F. The fee schedule is attached to these RULES for your information (see Appendix - Fee Schedule), but it is not part of these RULES. The filing fee is not refundable. The BOARD does not have the authority to waive any portion of the filing fee.
 - 5.2.3.1 Additional Review Fee Deposits - So that the BOARD may conduct a thorough and proper review of a definitive plan to ensure that the plan complies with these RULES, the BOARD may select and hire qualified consultants to review a definitive plan submission. The scope and cost of such consultant review may exceed the normal cost generally covered by the filing fee as set forth in the attached fee schedule. To cover the cost of these special reviews, an additional review fee deposit may be required by the BOARD at the time of submission or at any time in the review process. As the scope of study and review will vary according to the size of a particular subdivision, the applicant is hereby strongly advised to consult the

Planning Department concerning the scope and cost of such studies during the review of the preliminary plan. Failure to do so could result in serious delays in the processing of the application. The amount of the fee deposit will reflect the anticipated consultant fee(s) plus 10%. Note that some projects may require additional fees to cover further study if significant impacts or problems are found in the initial review. In accordance with MGL Ch. 44, S. 53G, any amount of such deposits remaining after endorsement of the definitive plan by the BOARD, plus any remaining accrued interest, will be repaid to the applicant or the applicant's successor in interest.

- 5.2.3.2 Appeal From the Selection of the Consultants - The applicant may appeal from the selection of an outside review consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The applicant must specify the specific grounds which the applicant claims constitute a conflict of interest or a failure to meet minimum professional requirements.
- 5.2.4 Ten (10) contact prints of the definitive plan prepared by a registered engineer and land surveyor and drawn clearly and legibly in dark lines on white background in the form and with the contents as stated below, and eleven (11) reduced copies thereof on 11"x17" or 8.5"x11" sheets.
- 5.2.5 A completed Designer's Certificate (see Appendix - Form DC)
- 5.2.6 A complete PARTIES IN INTEREST List certified by the Board of Assessors or its authorized representative (see Appendix - Form CLA).
- 5.2.7 A statement from the developer that he will retain the fee in the STREETS shown on the plan and upon construction of the STREETS and installation of services will, at the request of the Town of Acton, grant to the Town the fee (or an EASEMENT for all purposes for which STREETS are used) in such STREETS; and will, at the request of the Town of Acton, grant to it any drainage or other EASEMENTS shown on the plan. In order to retain the fee in the STREET, the developer must clearly define LOT lines when selling individual LOTS, to make clear that the LOT stops at the STREET layout. Otherwise, the owners of individual LOT will, by convention, own the STREET to the centerline. If this occurs, the STREET cannot be accepted by the Town, since any conveyances of the STREET from the developer to the Town are meaningless.
- 5.2.8 A draft of a legal advertisement (see Appendix - Form LN), describing the land.
- 5.2.9 Twenty-one (21) copies of a written list of any requested waivers with reasons why those waivers would permit a superior design, that would be in the public interest and not inconsistent with the purpose and intent of the SUBDIVISION CONTROL LAW.
- 5.2.10 A letter authorizing Town representatives to enter on the SUBDIVISION to complete the STREETS and services if the developer does not complete them according to his obligations.

- 5.2.11 A letter documenting authorizing vote if the developer is acting in the name of a trust, corporation or company.
- 5.2.12 A copy of the deed.
- 5.2.13 A list of mortgage holders which shall be kept current during the period of SUBDIVISION development.
- 5.2.14 A draft RESTRICTIVE COVENANT if changes are proposed from the standard form shown in Appendix - Form RC, with reasons for the changes.

5.3 CONTENTS of DEFINITIVE PLAN

The definitive plan shall be prepared by a registered engineer and land surveyor, clearly and legibly drawn in dark lines on white background. The plan shall be at a scale of 1"=40' or such other scale as the BOARD may require to show details clearly and adequately. It must be plainly marked "definitive plan". Sheet size shall be 24" x 36". If more than one sheet is needed, the sheets shall be accompanied by a single keyed sheet drawn to a 1"=200' scale showing the entire SUBDIVISION. The definitive plan shall contain the following information:

- 5.3.1 SUBDIVISION name, STREET names, boundaries, north point, date, scale and legend.
- 5.3.2 Names and addresses of the owner of record, the subdivider, the engineer and land surveyor, the book and page number of the recording of deed or the Land Court certificate.
- 5.3.3 Location of abutting property lines with ownership indicated.
- 5.3.4 Existing and proposed lines of sidewalks, STREETS, WAYS, LOTS, EASEMENTS, public and common areas, flood plain boundaries, zoning and zone lines including all overlay districts within and abutting the SUBDIVISION.
- 5.3.5 Sufficient data to easily determine the location, direction, width and length of every STREET, EASEMENT, walk and WAY line, LOT line, and boundary line and to reproduce these lines on the ground. All bearings shall be true, magnetic or grid, and the needle used on the plan shall clearly indicate this.
- 5.3.6 Location of all permanent monuments, properly identified as to whether existing or proposed, including natural features and surfaces, and wetlands as defined by the Wetlands Protection Act (MGL Ch. 131, S.40) and the Acton Wetlands Protection Bylaw.
- 5.3.7 A locus map (or location map) at a scale of 1"=1200' showing the relationship of the proposed SUBDIVISION to the community and its facilities for a 1/2 mile radius around the proposed SUBDIVISION and a locus plan at a scale of 1" = 200', or at a scale of 1" = 100' depending on which sheet of the Town Atlas the land is located (consult Acton Planning Department).
- 5.3.8 Location, names and present width of STREETS or WAYS and sidewalks bounding, approaching or within reasonable proximity of the SUBDIVISION, showing both roadway widths and right-of-way widths.

- 5.3.9 House numbers on each LOT as determined by the Town Engineer, clearly distinguishable from the LOT numbers.
- 5.3.10 Site features such as, but not limited to, waterways, swamps, drainage courses, stone walls, fences, buildings, historic sites, ridges, outcroppings, and water bodies.
- 5.3.11 A note stating that all supplementary data submitted under the RULES are an integral part of the definitive plan and that non-compliance with the plan profiles, utilities, layouts and RESTRICTIVE COVENANTS will void the approval status; unless, a waiver is specifically approved by the BOARD in writing.
- 5.3.12 Suitable space to inscribe the signatures of the members of the BOARD (or officially authorized persons) and to record or make reference to the decision or Certificate of Action of the BOARD, any RESTRICTIVE COVENANTS given under MGL Chapter 41, Section 81-U, or any amendments thereto, and any conditions required by the Board of Health.
- 5.3.13 A clear indication, by proper symbols, markings, dates or other notes, after a thorough search has been made, of such points or boundary markers as were found in the traverses and/or perimeter surveys.
- 5.3.14 Existing and proposed topography for the entire SUBDIVISION at a suitable contour interval as required by the BOARD. (The normal requirement for a suitable contour interval is 2 feet.)
- 5.3.15 Existing profiles on the exterior lines and centerlines (to be determined by field survey) and proposed STREET profile at 50 foot stations (25 foot stations for vertical curves) with centerline elevations tied to a stationed base line, at a horizontal scale of 1"=40' and at a vertical scale of 1"=4', or such other scales required by the BOARD. All elevations shall refer to a bench mark (or bench marks) using Massachusetts Coast and Geodetic Survey Vertical Control for base data and the location and elevation of the bench mark, plus at least one more bench mark.
- 5.3.16 All elevations shall refer to a bench mark (or bench marks) using the National Geodetic Vertical Datum (NGVD) of 1929 for base data. The location and elevation of the bench mark shall be shown on the plan, plus the location and elevation of at least one more bench mark.
- 5.3.17 Proposed layout of storm drainage system, water supply system, fire hydrants, fire call box system, sewer mains and all other utilities. These layouts should be checked with the appropriate boards and agencies. Their final approval should be in writing and on file with the BOARD prior to approval of the definitive plan. Fire call boxes should be shown, if any exist, in or immediately adjacent to the proposed SUBDIVISION as well as the required additions to the fire call box system within the SUBDIVISION. The locations, inverts, slopes, grades, stations, sizes and all other dimensions including type of pipe and materials to be used, of all utilities and appurtenances shall be clearly shown.
- 5.3.18 Storm drainage runoff calculations used for storm water drainage system design shall be prepared by and display the seal of a registered professional engineer. These calculations should be based on the rational formula (as described in Seelye's Design

Data Book for Civil Engineers, Page 18-02, Revised 3rd edition), based on a 10 year expectancy period, to determine necessary pipe sizes which can be no less than 12" in diameter. The calculations must contain a written summary explaining the rationale of the design so that a lay person can understand the basic design approach and its validity to the site in question. Furthermore, the calculations should be fully documented including copies of charts or other reference sources to make review easier. The use of computer generated reports is acceptable, however, the source of the software should be identified. These calculations shall be used to determine all drainage structure and pipe sizes.

- 5.3.19 Detail of typical cross-section of roadway showing all features; detail of a gas trap/oil separator catchbasin, manhole, headwall, sidewalk, subdrain, and all other appurtenances, structures and utilities.
- 5.3.20 If surface water drains onto adjacent STREETS, or onto adjacent properties not owned by the applicant, in such a manner as to create drainage problems, suitable provisions for handling this drainage shall be submitted to the BOARD.
- 5.3.21 Indication of all EASEMENTS, covenants or restrictions applying to the land and their purpose, whether or not within the SUBDIVISION, including any decision, appeal or variance issued by the Board of Appeals or any other board or authority having jurisdiction and applicable to the SUBDIVISION land or any buildings thereon.
- 5.3.22 An erosion and sedimentation control plan following the "Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts", USDA-SCS, and "Erosion & Sediment Control in Site Development", USDA-SCS, latest edition.
- 5.3.23 Location of all proposed septic disposal areas with a minimum of one percolation test and two deep test holes per leach area.
- 5.3.24 A log of the deep test holes and percolation tests for the entire site as witnessed by a representative of the Board of Health.
- 5.3.25 Location of all existing and proposed underground structures, including but not limited to, foundations, wells, septic systems, and underground storage tanks, within the SUBDIVISION and within one hundred and fifty (150) feet of the perimeter of the SUBDIVISION.
- 5.3.26 Location of all proposed stump dumps and other locations where construction debris is to be buried.
- 5.3.27 If the proposed use of a LOT and/or the location of a proposed use is unknown at the time of submission of the definitive plan, the applicant shall show on the plan sufficient information with respect to, existing and proposed, underground structures and septic disposal areas, to enable the Board of Health to evaluate whether a septic disposal system can be located on the LOT to serve any permitted use of the LOT. Where a LOT(S) is to be served by public sewers or by a septic treatment plant, the application shall contain a certificate from the Board of Health stating that such public sewers or septic treatment plants are adequate to serve any permitted use of the LOT(S).

5.4 NOTICE to TOWN CLERK

Every person submitting a definitive plan of land to the BOARD for its approval shall, pursuant to MGL, Ch. 41, S.81-T, file written notice that he has submitted such a plan with the Town Clerk, by delivery or by registered mail, postage prepaid. If the notice is given by delivery the clerk shall, if requested, give a written receipt to the person who delivered such notice. The date of filing with the BOARD shall be certified on such notice by the BOARD or its authorized representative.

5.5 NOTICE to BOARD of HEALTH and REVIEW by BOARD of HEALTH

When a definitive plan of a SUBDIVISION is submitted to the Planning BOARD, as provided in MGL Chapter 41, S.81-O, a copy thereof shall also be filed with the Board of Health. The Board of Health, or its authorized representative, shall within forty-five days after the plan is so filed, report to the BOARD in writing, approval or disapproval of said plan, and in the event of disapproval, shall make specific findings as to which, if any, areas shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and where possible, shall make recommendations for the adjustment thereof.

Failure of the Board of Health to report shall be deemed approval by the Board of Health. If the report of the Board of Health so requires, the approval of the BOARD shall be on condition that no building or structure shall be built or placed upon the areas designated without consent by such Board of Health or authorized representative. In the event that approval by the Board of Health is by failure to make a report, the BOARD shall note on the plan that health approval is by failure to report.

5.6 SUBMISSION of ADDITIONAL INFORMATION

All additional information submitted after the initial application shall be submitted to the BOARD at the public hearing.

5.7 PUBLIC HEARING NOTICE

Before approval, modification and approval, or disapproval of the definitive plan the BOARD will hold a public hearing. Pursuant to M.G.L. ch. 41, s. 81T, the BOARD will give notice of the time and place of the public hearing and subject matter, sufficient for identification, as follows:

- 5.7.1 By publication of the notice in a newspaper of general circulation in the Town of Acton once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the public hearing. The newspaper will send the bill for the advertisement directly to the Applicant and the Applicant shall pay the bill directly to the newspaper.
- 5.7.2 By posting the notice in a conspicuous place in the Acton Town Hall for a period of not less than fourteen days before the day of the public hearing.
- 5.7.3 By mailing the notice certified mail, return receipt, postage prepaid, to all PARTIES IN INTEREST. At least 21 days before the day of the public hearing, the APPLICANT shall submit to the Planning Department the certified mail letters containing the notice and addressed to each PARTY IN INTEREST. On the letters, the sender shall be identified as the "Town of Acton Planning Board, 472 Main Street, Acton, MA 01720". The letters shall be sealed and ready for mailing. The letters shall be accompanied by one open copy of the notice for the BOARD record, payment to the Town of Acton for the cost of

the certified mailings, and a duplicate set of empty, open envelopes addressed to each PARTY IN INTEREST, sender as above, for the mailing of the decision notice.

5.8 PLANNING BOARD ACTION on DEFINITIVE PLAN

The action of the BOARD on a definitive plan shall be by vote of a simple majority of the BOARD within 90 days of the date of submission, if the application for approval of the definitive plan was preceded by a preliminary plan in accordance with these RULES. If no such preliminary plan was filed, the BOARD shall act within 135 days from date of submission.

- 5.8.1 The action shall be accompanied by a decision that shall serve as the "Certificate of Action", and copies of said decision shall be certified and filed with the Town Clerk and sent by delivery or by registered mail to the applicant. If the BOARD modifies or disapproves such plan, it shall state in its decision the reasons for its action.
- 5.8.2 Final approval, if granted, shall be endorsed on the original drawing of the definitive plan as amended by the BOARD's action by the signatures of a majority of the BOARD (or by the signature of the person officially authorized by the BOARD), but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the action with the Town Clerk and said Clerk has notified the BOARD that no appeal has been filed.
 - 5.8.2.1 If the definitive plan is prepared using a computer aided drafting program, an electronic copy of the final definitive plan (on a medium and in a format as directed by the Town Planner) shall be filed with the Acton Planning Department at the time of endorsement.
- 5.8.3 The BOARD shall include within the Decision, as a condition of its approval, that the BOARD'S approval of the Definitive Plan shall expire within a specified time period from the date of approval unless a final Definitive Plan, in accordance with the Decision, is submitted and endorsed by the BOARD.
 - 5.8.3.1 Any request for an extension of the specified time limitation set forth in the Decision shall be made in writing to the BOARD at least thirty days prior to the expiration date. The BOARD reserves its rights to grant or to deny such extension if good cause for such extension is not shown.

SECTION 6

PERFORMANCE GUARANTEE

6.1 TYPES OF PERFORMANCE GUARANTEES

Before endorsement of its approval of a plan, the BOARD shall require that the construction of STREETS and the installation of MUNICIPAL SERVICES be secured by one, or in part by one and in part by another, of the methods described in the following clauses 6.1.1, 6.1.2, 6.1.3 and 6.1.4 which method or combination of methods may be selected and from time to time varied by the applicant:

- 6.1.1 By a RESTRICTIVE COVENANT, executed and duly recorded by the owner of record, running with the land, whereby such STREETS and services shall be provided to serve any LOT before such LOT may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such LOT, subject to that portion of the RESTRICTIVE COVENANT which provides that no LOT shall be built upon until such STREETS and services have been provided to serve such LOT; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such RESTRICTIVE COVENANT, of either the entire parcel of land shown on the SUBDIVISION plan or of all LOTS not previously released by the BOARD. A deed of any part of the SUBDIVISION in violation hereof shall be voidable by the grantee prior to the release of the RESTRICTIVE COVENANT but not later than three years from the date of such deed.
- 6.1.2 By a proper bond, sufficient in the opinion of the BOARD to secure performance of the construction of STREETS and installation of MUNICIPAL SERVICES required for LOTS in the SUBDIVISION shown on the plan.
- 6.1.3 By a deposit of money, negotiable securities, or a letter of credit, sufficient in the opinion of the BOARD to secure performance of the construction of STREETS and the installation of MUNICIPAL SERVICES required for LOTS in the SUBDIVISION shown on the plan. Negotiable securities and letters of credit shall be from an institution which, in the opinion of the TOWN Treasurer, is in sound financial condition.
- 6.1.4 By delivery to the BOARD of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the BOARD and otherwise due the applicant, to secure the construction of STREETS and the installation of MUNICIPAL SERVICES. Unless the lender executing such agreement is considered by the TOWN Treasurer to be in sound financial condition, the BOARD may reject such agreement as insufficient to serve as a performance guarantee. Said agreement shall also provide for a schedule of disbursements which may be made from time to time to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available to the BOARD for completion.

6.2 FORM OF PERFORMANCE GUARANTEES

Performance guarantees shall be filed with the Planning Department and shall be subject to the following requirements:

- 6.2.1 If performance is guaranteed by means of a RESTRICTIVE COVENANT pursuant to Section 6.1.1, such RESTRICTIVE COVENANT shall be in the form and contain the language as shown in the form entitled Approval with RESTRICTIVE COVENANT (see Appendix A - Form RC), or as otherwise required or approved by the BOARD.
- 6.2.2 If performance is guaranteed by means of a bond (Section 6.1.2; use Insurance Bond Form in Appendix A), a deposit of money or negotiable securities (Section 6.1.3) or an agreement whereby the construction lender retains loan funds (Section 6.1.4), the performance guarantee shall comply with the following:
 - 6.2.2.1 It shall define the developers' obligation as "the construction of STREETS and WAYS, the installation of MUNICIPAL SERVICES and the construction of certain other improvements for LOTS as shown in the SUBDIVISION plan entitled _____, dated _____, and approved by the BOARD on _____ including without limitation the work described in attached Schedule "A" (Section 6.2.2.6).
 - 6.2.2.2 It shall specify a scheduled completion date on which the construction of the approved SUBDIVISION STREETS and improvements shall be completed by the developer. The BOARD may extend such time as it deems appropriate after receipt of a written request received by the BOARD forty-five (45) days prior to the scheduled date of completion.
 - 6.2.2.3 It shall state that it shall not expire until the BOARD upon request certifies that all road work and improvements have been completed according to the approved plan and that the performance guarantee is released, or, until 45 days have lapsed from the date the BOARD received, by certified mail, a request for such certification and release, whichever comes first.
 - 6.2.2.4 It shall state that it applies in full to all successors of the applicant/developer whose performance is guaranteed.
 - 6.2.2.5 It shall state that the full amount of the guarantee shall be due immediately to the Town of Acton in case of the default of the developer or his/her successor in constructing the STREETS and WAYS, MUNICIPAL SERVICES and other improvements in accordance with the approved SUBDIVISION plan. Default of the developer or successor shall be defined in the performance guarantee as meaning:
 - a) failure to complete all improvements as shown on the approved SUBDIVISION plan by the scheduled completion date (as specified in accordance with Section 6.2.2.2), or
 - b) bankruptcy of the developer or the foreclosure of any mortgage on all or part of the land of the approved SUBDIVISION before the scheduled completion date, or
 - c) notice to the BOARD of the withdrawal or termination of any performance guarantee given hereunder, or of a request to substitute performance guarantee hereunder, prior to the scheduled completion date of the work, unless it is given

45 days prior to the anticipated date of such withdrawal, termination or substitution, or

- d) any other condition or circumstance that constitutes default, in the opinion of the BOARD.

6.2.2.6 The performance guarantee shall include a detailed scope of work to be completed under the performance guarantee and a schedule of partial and final releases of the performance guarantee, in accordance with Section 6.3 and 6.4. (Schedule A)

6.2.3 The performance guarantee shall not contain any language which contradicts the above stated requirements.

6.2.4 A bond estimate may be requested from the BOARD once prior to the establishment of the performance guarantee and once with each subsequent full or partial bond release. The estimate will remain effective for ninety days. The penal sum of any such bond held under Section 6.1.2 or any deposit held under Section 6.1.3 or any amount of funds retained pursuant to an agreement under Section 6.1.4 shall bear a direct and reasonable relationship to the expected cost necessary to complete the subject work plus a contingency amount of no more than 50% of the expected cost to guard against unexpected costs and the effects of inflation. However, the estimate shall reflect the cost for the town to complete the work as a public works project which may necessitate engineering, inspection, legal and administrative fees, additional staff time and public bidding procedures.

6.3 PARTIAL RELEASES

Prior to final release of a performance guarantee, the BOARD may grant up to two partial releases from the required performance guarantee for partial completion of improvements (or three partial releases in the event the original performance guarantee exceeds the sum of \$1,000,000.00 or 50 LOTS) provided that:

6.3.1 No LOTS shall be released from a RESTRICTIVE COVENANT unless construction of STREETS and WAYS, and installation of MUNICIPAL SERVICES and other improvements in accordance with the approved SUBDIVISION plan for said LOTS has been completed or another form of security has been substituted, sufficient to complete said STREETS and WAYS, MUNICIPAL SERVICES and other improvements. The form entitled Release of LOTS - Certificate of Performance (see Appendix - Form LR-CP), or the form entitled Release of LOTS - Provision of Surety (see Appendix - Form LR-PS) whichever is appropriate, shall be submitted when applying for a partial release of LOTS from a RESTRICTIVE COVENANT.

6.3.2 No reduction in the amount of the performance guarantee shall reduce the performance guarantee to a value below the estimated cost of completing the unfinished portions of the improvements as set forth in 6.2.4.

6.4 FINAL RELEASE

Upon the completion of the construction of STREETS and WAYS, and the installation of MUNICIPAL SERVICES and other improvements in accordance with the approved SUBDIVISION plan, the applicant may request release of the bond, deposit of money or securities, or funds retained by lender by sending a statement of completion and a request for release by registered mail to the Town Clerk and the BOARD.

6.4.1 Such statement shall be accompanied by the following:

- 6.4.1.1 Two copies plus one original mylar of an as-built plan of the STREETS and WAYS as required in Section 10.9.1.
- 6.4.1.2 A written certification by a Registered Land Surveyor indicating that such as-built plan accurately reflects the conditions in the completed SUBDIVISION in compliance with the approved Definitive Plan.
- 6.4.1.3 A written certification by a registered professional engineer that the STREETS, drainage and utilities conform to the BOARD'S requirements in accordance with the approved Definitive Plan.
- 6.4.1.4 A written confirmation from the Acton Engineering Department that the binder course was exposed to one winter season (Nov. 15 - April 30) prior to the application of the wearing course, and that the completed STREET and drainage and utility improvements have been exposed to the natural elements and weather conditions during one additional winter season (Nov. 15 - April 30) without substantial damage, or that damage, if incurred, has been repaired to the satisfaction of the Acton Engineering Department.
- 6.4.1.5 A written confirmation from the Acton Tree Warden that installation of STREET trees and other plantings required by these RULES and the approved SUBDIVISION plan have been completed satisfactorily, that such plantings have been exposed to one winter season (Nov. 15 - April 30) and that damaged plantings, if incurred, have been replaced to the satisfaction of the Acton Tree Warden.

6.4.1.6 the address of the applicant.

- 6.4.2 If the BOARD determines that said construction or installation has not been completed in accordance with the approved SUBDIVISION plan, it shall specify in a notice sent to the Town Clerk and, by registered mail, to the applicant, the details wherein said construction or installation fails to comply with the approved SUBDIVISION plan. Upon failure to do so within forty-five days after the receipt by said clerk of the statement requesting release of the Town's interests, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such RESTRICTIVE COVENANT shall become void. In the event that said forty-five day period expires without such specification by the BOARD, or without the release and return of the bond or return of the deposit or release of the RESTRICTIVE COVENANT as aforesaid, the Town Clerk shall, upon request, issue a certificate to such effect, duly acknowledged, which may be recorded.
- 6.4.3 However, even though all improvements covered by a performance guarantee may have been completed, the BOARD may delay the release of the performance guarantee if completion of construction on any remaining undeveloped or partially developed LOT or LOTS poses a substantial risk of damage to the SUBDIVISION improvements.

SECTION 7

ENDORSEMENT and RECORDING of APPROVED PLAN

7.1 ENDORSEMENT of APPROVED PLAN

The approved definitive SUBDIVISION plan is intended to be used as a contract document for the construction and inspection of the STREETS and utilities within the SUBDIVISION in conformity with these RULES. The approved plan shall also contain the "Record Plan" for purposes of filing with the Registry of Deeds or the Land Court. The following information and form is required for submission of the "Record Plan" for endorsement by the BOARD:

- 7.1.1 The entire approved definitive plan of the SUBDIVISION as amended by the BOARD in its decision of approval.
- 7.1.2 Two copies of the plan drawn in compatible black drawing ink on polyester drafting film or other medium acceptable to the Registry of Deeds or Land Court, and two contact prints thereof.
- 7.1.3 Reference to any required documents such as the vote and decision of the BOARD, RESTRICTIVE COVENANT, EASEMENTS deeded to the Town, conditions of the Board of Health or reference of Board of Health failure to report, etc. shall be inscribed on the "Record Plan" with a note that such documents shall be recorded with the "Record Plan".

7.2 RECORDING PLANS

The approved "Record Plan", the decision of the BOARD, any RESTRICTIVE COVENANT, and any other supplementary documentation as required by the BOARD shall be recorded by the subdivider or his qualified agent at the Registry of Deeds or the Land Court.

SECTION 8

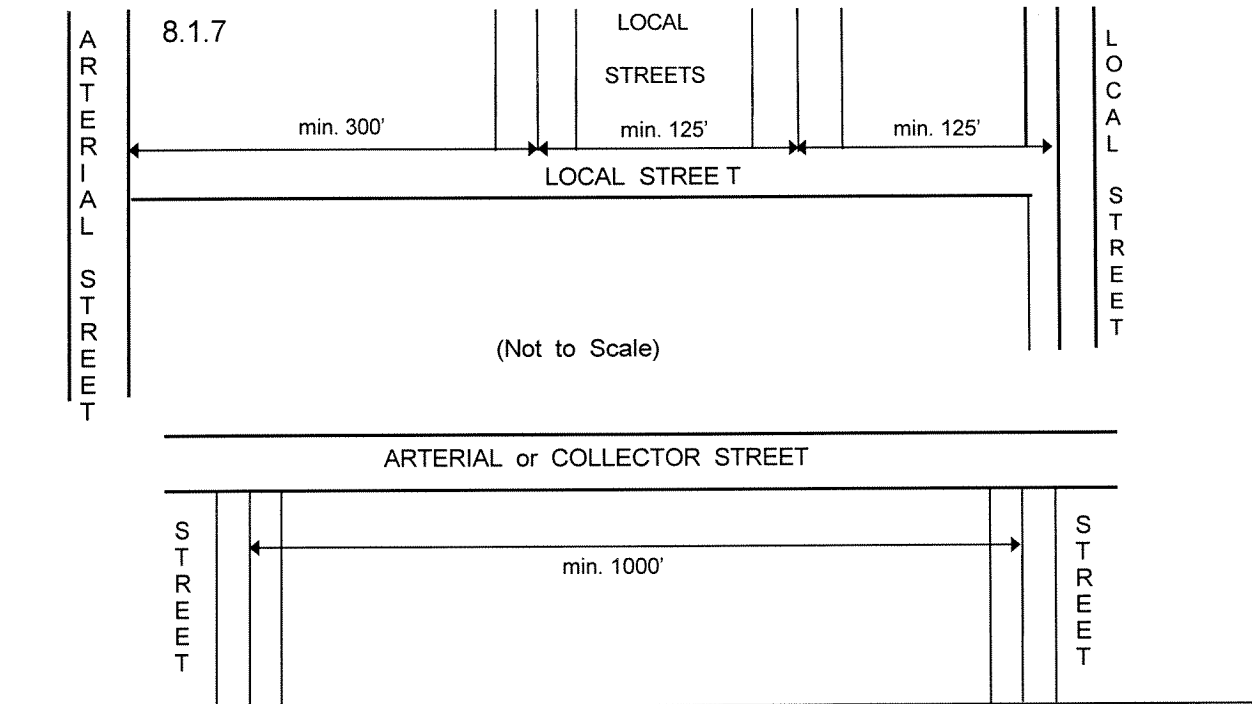
DESIGN STANDARDS

8.1 STREETS

All STREETS in the SUBDIVISION shall be designed so that, in the opinion of the BOARD, they will provide for safe vehicular and pedestrian travel. The design shall comply with these RULES and with the design reference manuals listed in Section 2.5. The BOARD may waive any design requirement or impose additional design requirements if the BOARD finds, based upon the conditions of the site, that such waivers or additional requirements are necessary or desirable to provide for safe and convenient vehicular and pedestrian travel.

- 8.1.1 The proposed STREETS shall conform in width and alignment to those shown on the future circulation plan in the Master Plan or the official map if such plan or map is adopted. In general, all STREETS and WAYS shall be laid out to provide for adequate circulation and to maximize connections with existing, proposed and potential future STREETS and WAYS.
- 8.1.2 Provisions shall be made for proper projection of STREETS and WAYS to ensure adequate future access to any adjoining property. If suitable EASEMENTS or other connections from existing STREETS are already established providing potential access to the proposed SUBDIVISION the STREETS and WAYS shall be constructed to connect the proposed SUBDIVISION STREETS via said EASEMENTS and connections. Pavement or other improvements in any turnarounds in existing STREETS which, in the opinion of the BOARD, have been rendered superfluous due to the connection shall be removed.
- 8.1.3 As nearly as practicable SUBDIVISION STREETS shall be contiguous and in alignment with existing STREETS or proposed STREETS on abutting LOTS.
- 8.1.4 The BOARD may require the installation of pedestrian WAYS, bridle PATHS or bicycle PATHS having a ROW of not less than 20 feet in width where deemed necessary to provide adequate circulation or access to schools, playgrounds, parks, shops, transportation, open spaces, other community facilities, and to and between existing, proposed and future developments and neighborhoods.
- 8.1.5 There shall be no reserved strips controlling access to existing or proposed STREETS or adjoining property.
- 8.1.6 The proposed STREETS and WAYS shall compose a system that ensures safe and adequate circulation of vehicular and pedestrian traffic within the proposed SUBDIVISION and in coordination with adjacent STREETS and WAYS. The BOARD may require appropriate and reasonable improvements in adjacent STREETS and WAYS to minimize congestion, to insure safe and adequate access to the proposed SUBDIVISION, and to insure safe and adequate vehicular and pedestrian travel in a coordinated system of STREETS and WAYS in Acton.
- 8.1.7 Adjacent STREET intersections within a network of existing and/or proposed LOCAL STREETS shall have a minimum centerline offset of 125'. Whenever possible, adjacent STREET intersections along an existing and/or proposed ARTERIAL or COLLECTOR

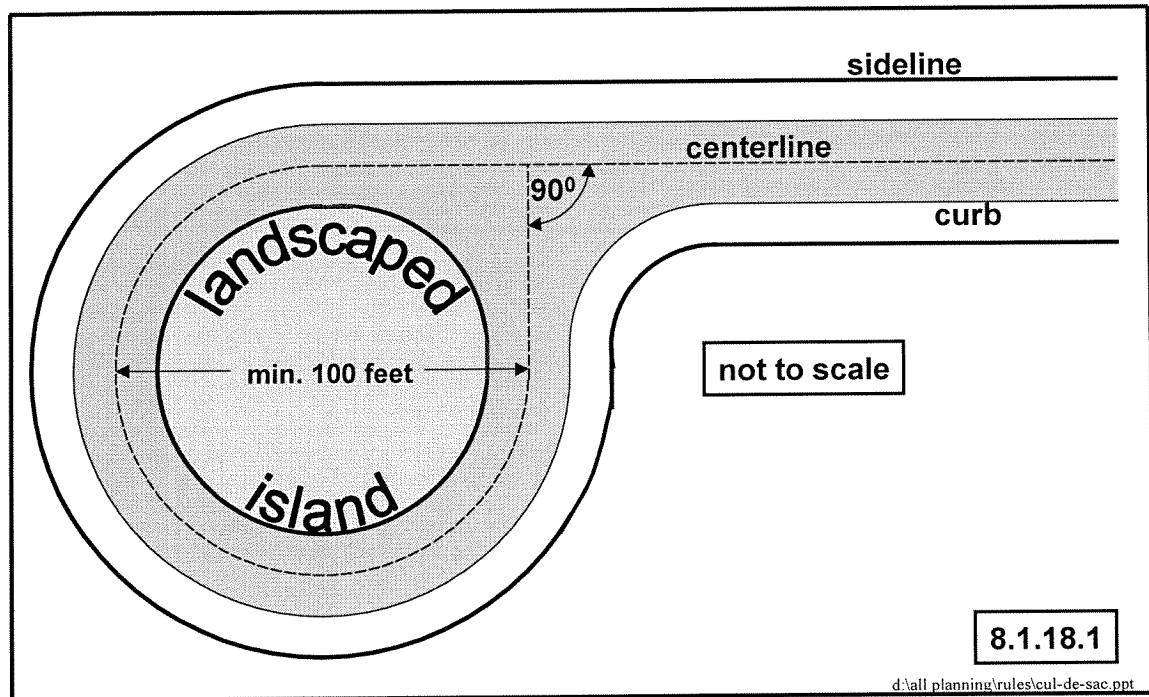
STREET shall have a minimum centerline offset of 1000'. An intersection of LOCAL STREETS adjacent to an intersection with an ARTERIAL STREET shall have a minimum centerline offset of 300' from the ARTERIAL STREET. This section shall not apply to EMERGENCY ACCESS WAYS. All centerline offsets shall be measured between the points where the STREET centerlines intersect.



- 8.1.8 Where a SUBDIVISION abuts or contains an existing or proposed ARTERIAL STREET and/or COLLECTOR STREET, the BOARD may limit or restrict driveway cuts or curb cuts onto the ARTERIAL and COLLECTOR STREETS and may require SERVICE STREETS or driveway easements within the proposed SUBDIVISION to ensure adequate access and the separation of local traffic for LOT access from through traffic. The BOARD may also require a non-access reservation along the ARTERIAL and COLLECTOR STREETS.
- 8.1.9 Intersections with four or more legs are not permitted.
- 8.1.10 STREET lines at intersections shall be cut back to provide for sideline radii of not less than 25 feet.
- 8.1.11 STREETS shall be laid out so as to intersect as nearly as possible at right angles and no STREET shall intersect any other STREET at less than 60 degrees. Curves of STREET sidelines at STREET intersections must have a radius of not less than 25 feet, except where the angle of intersection varies more than 10 degrees from a right angle, in which case the radius of the curve connecting the acute angle may be less and the opposite radius must be correspondingly greater.
- 8.1.12 The minimum centerline radius shall be as shown in Table I "Horizontal Design Standards".

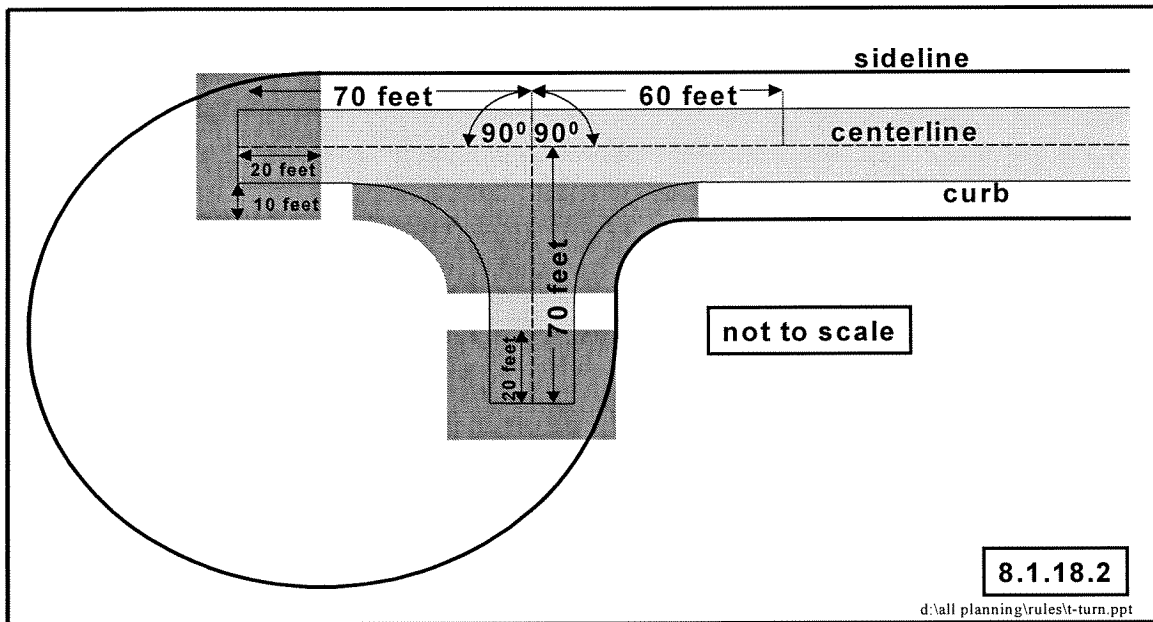
- 8.1.13 Superelevation of curves, sight distances, tangents between reverse curves, ROW widths, grades, transition areas, crest vertical curves, sag vertical curves, stopping sight distances and correction for stopping distances will be determined by using the following: Table I "Horizontal Design Standards", Table II "Vertical Design Standards" and Table III "Stopping Sight Distances".
- 8.1.14 Grades of STREETS shall be as shown on Table II "Vertical Design Standards".
- 8.1.15 STREET right-of-way widths shall be as shown on Table I "Horizontal Design Standards".
- 8.1.16 DEAD-END STREETS are not permitted.
- 8.1.17 Residential SINGLE ACCESS STREETS other than DEAD-END STREETS, whether temporary or permanent, shall not be longer than 500 feet. No waiver will be granted unless the following conditions are met, in which case SINGLE ACCESS STREETS can be as long as 1500 feet:
- 8.1.17.1 Condition 1: The SUBDIVISION is an Open Space Development, a Planned Conservation Residential Community, or a Planned Unit Development as defined in the Acton Zoning Bylaw. In such case, the 500 foot SINGLE ACCESS STREET limit shall not apply to a conceptual plan drawn for the purpose of determining the maximum number of building LOTS as required in the Acton Zoning Bylaw.
- 8.1.17.2 Condition 2: An open space buffer is provided along that portion of any existing public STREET upon which the proposed SUBDIVISION had frontage as of February 6, 1990. The open space buffer shall have a minimum depth of 300 feet. There shall be no buildings or structures within the open space buffer.
- 8.1.18 A CUL-DE-SAC STREET turnaround shall be designed in one of the two following ways:
- 8.1.18.1 A loop turnaround which shall be offset in relation to the STREET to form a 'q' whereby the STREET intersects with itself in a 90 degree angle as shown in the drawing below.
- a) The centerline diameter in the loop turnaround shall be at least 100 feet.
 - b) The sideline diameter of the loop turnaround shall be selected to provide a constant shoulder width throughout the entire STREET, except that at the intersection the shoulder width may vary to meet other requirements of these RULES.
 - c) There shall be no more than two driveways or common driveways accessing the loop turnaround.
 - d) A loop turnaround shall feature a landscaped center island encircled by a sloped granite curb. The topography of the center island shall be convex in shape to prevent pooling of water and shall be landscaped in the following manner:
 - I) Within a distance of 6-8 feet from the edge of the curb the area should be smooth, loamed to a depth of six inches, and planted with perennial turf grasses.
 - II) The balance of the island shall have a highly varied topography and shall be planted with nursery grown stock, planted in accordance with the standard

planting detail sheets in the appendix, and shall include a mixture of tall-growing deciduous shade trees and smaller deciduous ornamental trees. The ground surface of this area shall be planted with turf grass, meadow grass mix or hardy, non-invasive, low-maintenance ground cover. (Refer to appendix for planting details, required spacing, minimum caliper size of trees and for suggested plant species.)



8.1.18.2 Using the same layout as in 8.1.18.1, a T-shaped turnaround as shown in the drawing below.

- a) One leg of the turnaround shall be located to the left of the STREET and positioned perpendicular to the other leg and to the STREET approaching the turnaround.
- b) Pavement of the turnaround legs shall be of the same width as in the remainder of the CUL-DE-SAC STREET.
- c) The turnaround legs shall be straight, and shall be 70 feet long measured along the centerline from the intersection of the legs to the end of pavement.
- d) The STREET approaching the turnaround shall be straight for a minimum distance of 60 feet.
- e) There shall be no driveways or common driveways off the ends of the turnaround legs, within 20 feet from the end of pavement, or in the intersection roundings. These driveway-restricted areas shall extend for a depth of 10 feet off the pavement edge.
- f) A "No Parking" restriction shall be posted in the turnaround.



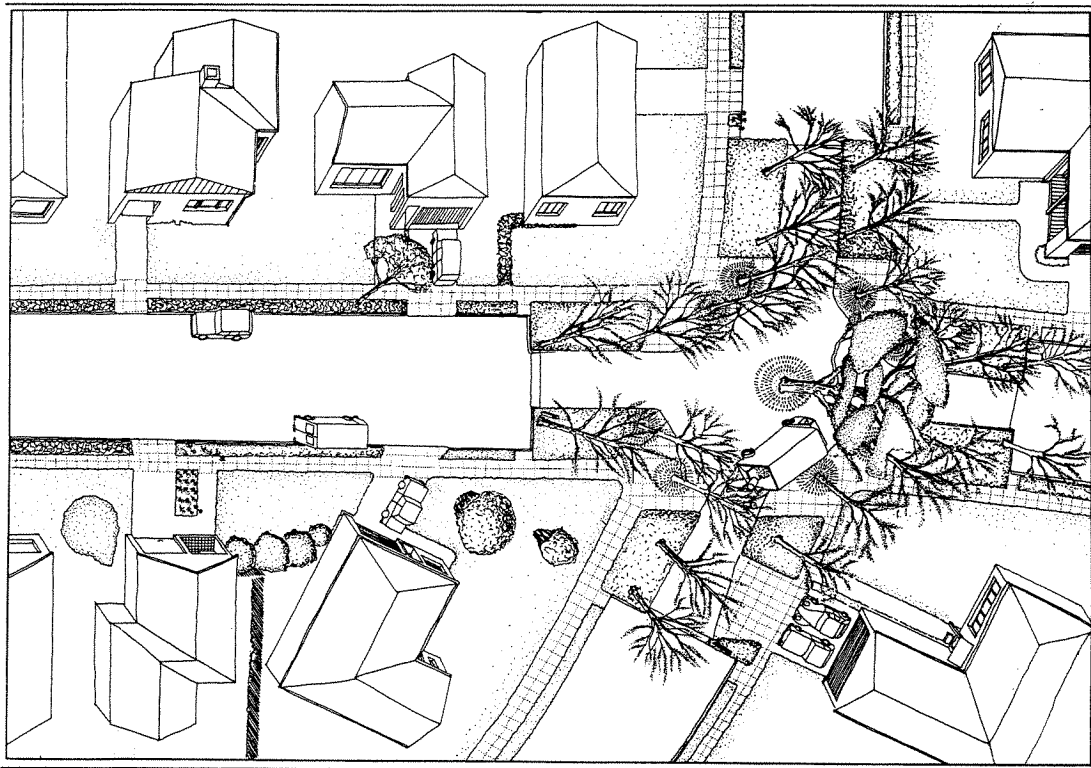
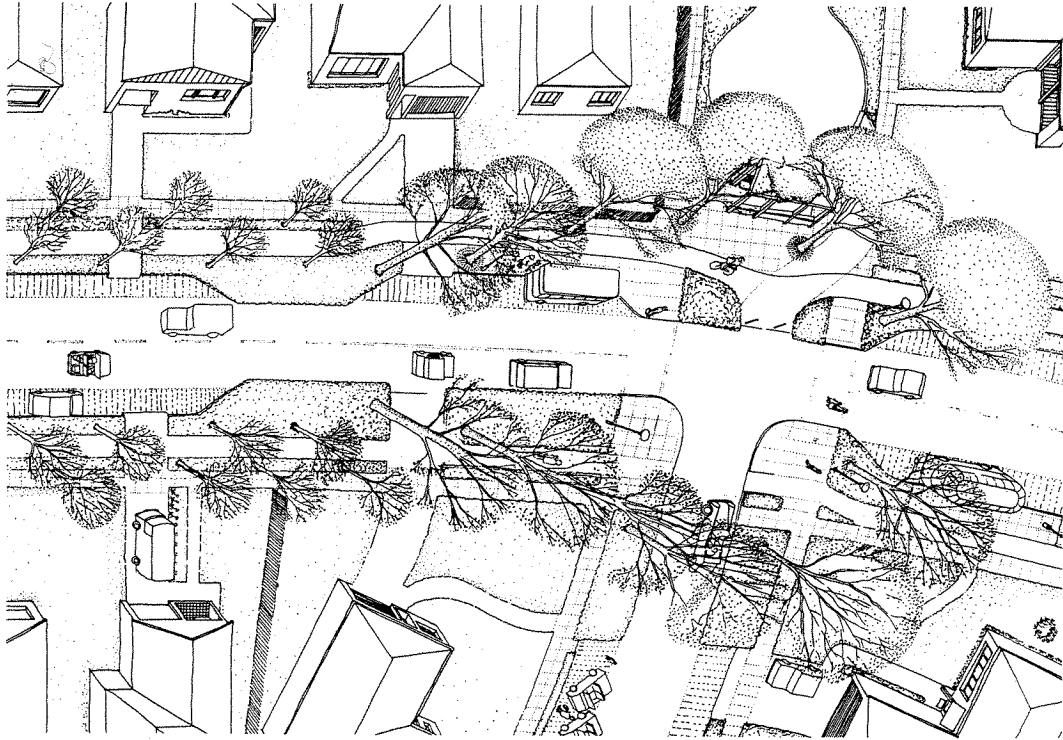
8.1.19 There shall be no more than 40 residential dwelling units on a SINGLE ACCESS STREET or series of STREETS having only one terminus onto a THROUGH STREET. To construct more than 40 dwelling units a secondary means of access, adequate in the opinion of the BOARD, shall be provided.

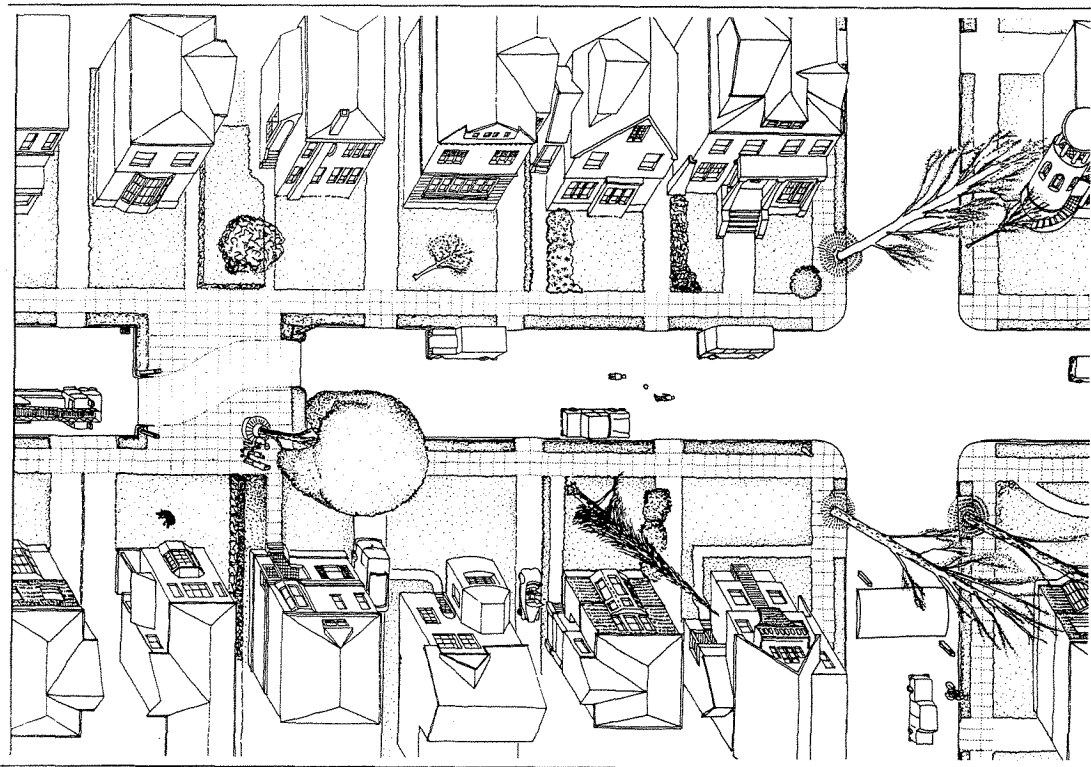
8.1.19.1 Where a proposed residential SUBDIVISION will increase any number of existing dwelling units on an existing SINGLE ACCESS STREET to more than 40, the BOARD may require alternate means of access to a THROUGH STREET or improvements on the existing SINGLE ACCESS STREET or within the adjacent STREET network, in order to ensure adequate safety and access to all dwellings in the proposed SUBDIVISION.

8.1.20 In non-residential SUBDIVISIONS, there shall be no more than 250,000 square feet of floor area on a SINGLE ACCESS STREET or series of STREETS having only one terminus onto a THROUGH STREET. To construct more than 250,000 square feet of floor space, a secondary means of access, adequate in the opinion of the BOARD, shall be provided.

8.1.20.1 Where a proposed non-residential SUBDIVISION will increase any number of existing square feet of floor area on a SINGLE ACCESS STREET to more than 250,000 square feet, the BOARD may require alternate means of access to a THROUGH STREET or improvements on the existing SINGLE ACCESS STREET or within the adjacent STREET network, in order to ensure adequate safety and access to all buildings in the proposed SUBDIVISION. In determining the floor area to be built in a non-residential SUBDIVISION, the maximum potential build-out shall be assumed.

- 8.1.21 In order to enhance safety and to improve the appearance of the STREET environment, the BOARD may require devices and design features such as chokers (encroachments on the standard pavement width, see graphics below) at intersections and at mid-block location, or additional curves or other features that have a proven effectiveness in reducing vehicular speed. Chokers shall be landscaped using the guidelines for cul-de-sac islands with appropriate adjustments to ensure adequate sight distance where necessary in the opinion of the BOARD.





- 8.1.22 In laying out the SUBDIVISION and in locating STREETS, WAYS, MUNICIPAL SERVICES and other improvements, due regard shall be shown for all natural features, such as large trees, (18 inch diameter or more), water courses, historic sites, and similar community assets, which, if preserved, will add attractiveness and value to the SUBDIVISION.
- 8.1.23 Whenever possible, STREETS shall be laid out to minimize cutting and filling. If the construction of the STREET would require filling or disruption of a wetland, such filling or disruption shall be made in compliance with the Wetlands Protection Act, MGL Ch. 131, S. 40, any Rules and Regulations issued thereunder, and with any Order of Conditions issued by the Acton Conservation Commission.
- 8.1.23.1 Filling or disruption of a wet-land shall be avoided wherever possible by utilizing alternative upland access over the parcel to be subdivided or over an adjacent parcel which is also owned by the owner of the land to be subdivided either in person or through a separate realty trust or similar form of ownership. Where no such alternative upland access is available, the filling and disruption of wetlands shall be minimized.
- 8.1.23.2 The BOARD may grant appropriate waivers from these RULES in order to minimize the filling and disruption of wetlands, provided that such waivers are in the public interest to protect wetlands, address the requirements of the Acton Conservation Commission, and are not inconsistent with the purpose and intent of the SUBDIVISION CONTROL LAW.
- 8.1.24 The subdivider shall give due consideration to the attractiveness of the STREET layout in order to obtain maximum livability and amenities of the SUBDIVISION.

- 8.1.25 ROADS or roadways in a SUBDIVISION shall not provide access to land in an adjoining town unless there is also adequate access over STREETS in the adjoining town.

8.2 DRAINAGE

- 8.2.1 Adequate drainage shall be designed to take care of the surface and subsurface water of roadway and adjoining land. STREET drainage designs shall be of the type known as a "manhole system". The "manhole system" is one in which the water collected in the catch basins empties into an intermediate manhole in a main drain laid in the STREET as shown on the "Typical STREET Cross Sections as required by the Regulations of the Planning BOARD; Town of Acton, Massachusetts".
- 8.2.2 The main drain shall also have additional manholes installed at points where changes in direction and/or grade make such manholes necessary to ensure an uninterrupted flow of water to its final outlet. If it is felt that a variation or modification of the required drainage system is advisable, then the subdivider shall present such varied or modified design to the BOARD for their adjudication.
- 8.2.2.1 The design shall include the size, quality, and type of pipe; design and size of structures such as catch basins, leaching basins, drop inlets, manholes, etc., the percent of grade and depth at which the pipe is to be laid and the depth of any such structure aforementioned.
- 8.2.2.2 All necessary drains or roadway surface water to be carried across private lands shall be within EASEMENTS obtained by the subdivider and approved by the BOARD.
- 8.2.2.3 At the request of the BOARD a drainage design to eliminate or remove any other water or waters within the SUBDIVISION limits and not designated as roadway or subsurface water, and which is otherwise not taken care of, shall be drawn in a manner approved by the BOARD.
- 8.2.2.4 The rational formula (as described in Seelye's Design Data Book for Civil Engineers, Revised 3rd Edition, page 18-02), based on a 10 year expectancy period, will be used to determine all drainage structures and pipe sizes.
- 8.2.3 The peak rate of storm water runoff from the SUBDIVISION shall not exceed the rate existing prior to the new construction based on a 10 year design storm. The BOARD may authorize the use of storm water drainage facilities located off the development site provided that:
- 8.2.3.1 the peak rate of storm water runoff from such off site facilities does not exceed the rate existing prior to the new construction based on a 10 year design storm; and
- 8.2.3.2 the applicant has retained the rights and powers necessary to assure that the of site storm water drainage facilities will be properly maintained in good working order.
- 8.2.4 STREET drainage shall not be channeled into a wetland or water body without first going into a vegetated detention basin.

8.3 EROSION and SEDIMENT CONTROL

8.3.1 During development and construction, adequate protective measures shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.

8.3.2 Land shall be developed in increments of workable size which can be completed during a single construction season. Erosion and sediment control measures shall be coordinated with the sequence of grading, development, and construction operations. Control measures such as hydroseeding, berms, interceptor ditches, terraces, and sediment traps shall be put into effect prior to the commencement of each increment of the development/construction process.

8.3.3 Sediment basins (debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters draining from land undergoing development.

8.3.4 Erosion clean up
A note on the Erosion and Sedimentation Plan shall state that the developer is required to clean up any sand, dirt, or debris which erodes from the SUBDIVISION onto any public STREET or private property, and to remove silt or debris that enters any existing drainage system including catch basin sumps, pipe lines, manholes and ditches.

8.3.5 Velocity Check Dams
Hay bales will be used around the catch basins on the proposed STREETS to protect them from the eroding soils and provide a check dam* to slow the runoff during the construction. The developer shall provide velocity check dams* in all unpaved STREET areas at the intervals indicated below:

<u>Grade of the STREET</u>	<u>Intervals between Check Dams</u>
Less than 4%	100 feet
4% to 10%	50 feet
over 10%	25 feet

The developer shall provide velocity check dams* in all unvegetated or unpaved channels at the intervals indicated below:

<u>Grade of the Channel</u>	<u>Intervals between Check Dams</u>
Less than 3%	100 feet
3% to 6%	50 feet
over 6%	25 feet

* Check dams in unpaved STREETS and unvegetated or unpaved graded channels may be constructed of staked hay bales or other erosion resistant materials approved by the Acton Engineering Department. The check dams shall be installed at the end of each working day, and in the event of rainfall being predicted. The hay bales should be securely staked to prevent overturning, floatation, or displacement. They shall extend completely across the STREET or channel at right angles to the centerline. Also, a velocity check dam shall be provided along the entrance of the LOT to protect the public STREETS and adjacent properties from the hazards of erosion. All check dams shall be cleaned out of all debris and silt periodically.

8.4 SUBDIVISION STANDARDS in the FLOOD PLAIN DISTRICT

Whenever possible, STREETS shall be laid out so that filling or construction within the Flood Plain District established under the Acton Zoning Bylaw will not be required. If any part of a SUBDIVISION is located within the Flood Plain District, the SUBDIVISION shall comply with the following:

- 8.4.1 The design shall be consistent with the need to minimize flood damage.
- 8.4.2 All MUNICIPAL SERVICE installations shall be located and constructed to minimize or eliminate the possibility of flood damage.
- 8.4.3 Adequate drainage systems shall be provided to reduce exposure to flood hazards.
- 8.4.4 Base flood elevations (the level of the 100 year flood) shall be shown on the plan along with one foot contour intervals for the portion located within the Flood Plain District as established under the Acton Zoning Bylaw.

8.5 SUBDIVISION STANDARDS in the GROUNDWATER PROTECTION DISTRICT

- 8.5.1 In Zones 1-3 of the Groundwater Protection District, as defined in the Town of Acton Zoning Bylaw, all drainage from impervious covers associated with STREETS (exclusive of sidewalks) shall, at a minimum, be funneled into gas trap catch basins.
- 8.5.2 In Zones 1-3 of the Groundwater Protection District, the first inch of every storm event shall be directed into a retention pond(s), where it shall be retained for an average of at least three days prior to recharge into the ground or discharge from the site. The retention pond(s) shall be exposed to sunlight, vegetated and lined with soil featuring a permeability of 0.0001 cm/sec (0.1417 in/hr) or less. A diversion box (as defined in the Acton Zoning Bylaw) shall direct all water, which falls onto the site in excess of one inch during a single storm event, toward additional storage, direct infiltration, or discharge from the site. This section shall only apply to the drainage from impervious covers associated with STREETS (exclusive of sidewalks).
- 8.5.3 In Zones 1-3 of the Groundwater Protection District, the design of the SUBDIVISION STREETS and WAYS shall comply with the depth to groundwater requirements of the Groundwater Protection District of the Acton Zoning Bylaw.
- 8.5.4 In Zones 1 - 4 of the Groundwater Protection District, the amount of annual precipitation being captured and recharged to the groundwater on site shall not be reduced due to development related surface runoff from the site when compared to pre-development conditions. The application shall contain a hydrologic budget or water balance calculation for the site, showing pre- and post-development conditions, prepared by a Massachusetts Registered Professional Engineer experienced in hydrogeology.

8.6 SEWERAGE

Where applicable, sewers shall be designed in accordance with the master sewer plan, or in the absence of such a plan, in accordance with good engineering standards as approved by the Town Engineer and the Board of Health.

8.7 EASEMENTS

- 8.7.1 EASEMENTS for utilities across LOTS or along rear or side LOT lines shall be provided where necessary, and shall be at least 20 feet wide.
- 8.7.2 EASEMENTS for drainage across LOTS, usually along rear or side LOT lines, shall be provided where necessary and shall be at least 20 feet wide. Such EASEMENTS shall be of an adequate width to provide for the construction of such drainage and for the proper maintenance thereof.
- 8.7.3 Where a SUBDIVISION is traversed by a water course, drainage course, channel or stream, a storm water EASEMENT or drainage right-of-way shall be provided of adequate width to conform substantially to the lines of such water course, drainage course, channel or stream, and to provide for construction and repair. In the absence of engineering evidence of the extent of the drainage course, an EASEMENT shall be required consisting of 30 feet from either side of the center line of any major stream (Fort Pond Brook and Nashoba Brook) and 15 feet from either side of the center line of a minor stream.
- 8.7.4 In order to secure adequate provision for water, sewerage, drainage and other requirements where necessary in the SUBDIVISION, all water courses, drainage courses, channels, streams and other water bodies shall not be obstructed and remain free of debris.
- 8.7.5 All lines of all EASEMENTS shall be calculated and described on the SUBDIVISION plan with a bearing and distance.
- 8.7.6 A 10 foot wide "Utility, Construction and Slope Easement" shall be provided along each side of the STREET, including along each side of any STREET projections to adjoining land.

8.8 OPEN SPACES

Before approval of a SUBDIVISION plan the BOARD may in proper case require the plan to show a park or parks suitably located for playground or recreation purposes and for providing light and air. The park or parks shall not be unreasonable in area in relation to the area of land being subdivided and to the prospective uses of such land. In general such areas should include at least 500 square feet per family of dry, level, accessible land for active recreation. The BOARD shall, by appropriate endorsement on the plan, require that no building may be erected on such park or parks without its approval for a period of not more than three years. (Chapter 41, Section 81-U of the General Laws and any acts in amendment thereof, in addition thereto or in substitution therefor.)

TABLE I		
HORIZONTAL DESIGN STANDARDS		
DESIGN SPEED	less than 25 mph	less than 30 mph
STREET CLASSIFICATION	LOCAL STREET	COLLECTOR STREET
MINIMUM CENTERLINE RADIUS	110 feet (80 feet**)	175 feet
SUPERELEVATION	remove adverse crown super-elevate at normal crown slope for centerline radii below 1,450 feet and central angle >30°	remove adverse crown super-elevate at normal crown slope for centerline radii below 2,850 feet and central angle >25°
MINIMUM TANGENT between REVERSE CURVES	50 feet if radius is less than 1,450 feet	100 feet if radius is less than 2,850 feet
WIDTH of RIGHT-OF-WAY	40**-50 feet	50 feet
PAVEMENT WIDTH	20**-24 feet	24-26 feet
<p>* The BOARD may require a larger radius if necessitated by terrain or roadway configuration.</p> <p>** For low intensity LOCAL STREETS (see footnote under Table II).</p>		

TABLE II		
VERTICAL DESIGN STANDARDS		
DESIGN SPEED	less than 25 mph	less than 30 mph
STREET CLASSIFICATION	LOCAL STREET	COLLECTOR STREET
MINIMUM GRADE	1%	1%
MAXIMUM GRADE	8% (10%*)	8%
CREST VERTICAL CURVE**	K = 28 (15*)	K = 55
SAG VERTICAL CURVE**	K = 35 (20*)	K = 55
TRANSITION AREAS - MAXIMUM GRADE within 50 FEET of an INTERSECTION:		
INTERSECTING STREET	2%	2%
MAIN STREET	6%	5%
<p>* for low intensity LOCAL STREETS, typical residential SINGLE ACCESS STREETS as permitted in these RULES, and any other LOCAL STREETS where anticipated future traffic does not exceed an average daily traffic volume of 250 vehicles per day (vpd)</p> <p>** rounded K (minimum) = $\frac{\text{length of vertical curve in feet}}{\text{algebraic difference in grades \%}}$</p>		

TABLE III		
STOPPING SIGHT DISTANCE		
DESIGN SPEED	less than 25 mph	less than 30 mph
STREET CLASSIFICATION	LOCAL STREET	COLLECTOR STREET
STOPPING SIGHT DISTANCE*:	200 feet	275 feet
CORRECTION FOR STOPPING DISTANCE:		
Decrease for upgrades		
3%	---	10 feet
6%	20 feet	30 feet
9%	30 feet	50 feet
Increase for downgrades		
3%	10 feet	10 feet
6%	20 feet	30 feet
9%	30 feet	50 feet
* The BOARD may require sight EASEMENTS to ensure that the minimum stopping sight distance is provided.		

SECTION 9

IMPROVEMENTS

9.1 STREET AND ROADWAY

- 9.1.1 The construction of all STREETS and WAYS shall comply with the applicable standard cross-section, illustrated in the Design and Construction Standards, Town of Acton (see Appendix). The BOARD may authorize or require changes from these standards as it deems appropriate.
- 9.1.2 The entire area of each STREET or WAY shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.
- 9.1.3 All loam and other yielding material shall be removed from the roadway area of each STREET or WAY and replaced with suitable material. Provisions shall be made for dust control.
- 9.1.4 All roadways shall be brought to finish grade as shown on the profiles of the definitive plan with at least the top 18 inches consisting of three six-inch layers of well-compacted binding gravel one foot wider on each side than required pavement and to be located in the right-of-way, as shown on the appropriate Typical Cross Section.
- 9.1.5 The completed gravel surface shall be treated for the full width of the roadway with 2 inches of Class I, type 1, bituminous concrete pavement applied as a binder course. The binder course shall be exposed to one winter season (Nov. 15 - April 30) prior to the application of the wearing course.
- 9.1.6 The binder course shall be treated for the full width of the roadway with a wearing surface of 1.5 inches of Class I, type 1, bituminous concrete pavement applied in one course. Prior to installation of the wearing surface, the binder shall be swept clean, dried if necessary, and treated with an asphalt emulsion or tack coat to ensure a satisfactory bond between pavement courses. In order to minimize damage to the wearing surface, the wearing course shall not be applied until all construction on LOTS served by the SUBDIVISION STREETS is in the opinion of the BOARD completed or substantially completed.
- 9.1.7 Following the installation of the wearing surface, no excavations shall be permitted in the road surface for a period of five (5) years except in emergency cases. Any such excavation shall be repaired with infrared patching equipment.
- 9.1.8 STREET width, as designated on the definitive plan, shall conform to the "Street Cross Sections" and all STREETS shall be constructed in conformity to the "Design and Construction Standards, Town of Acton", latest edition.
- 9.1.9 No paving may take place after November 15th of any year.
- 9.1.10 Any fill material used shall be free of hazardous materials and free of construction debris. The BOARD may approve recycled crushed pavement or concrete for use in the subsurface during STREET construction, and recycled granite.

9.2 UTILITIES

- 9.2.1 Drain pipes, sewer pipes (if applicable) and related equipment, such as manholes and catch basins, shall be constructed in conformity with specifications of the "Standard Specifications for Highways and Bridges", Department of Public Works, Commonwealth of Massachusetts, 1988, as amended.
- 9.2.2 Adequate disposal of surface water shall be provided. Catch basins and drain manholes shall be built in conformance with the "Standard Specifications for Highways and Bridges", Mass. Highway Dept., on both sides of the roadway on continuous grades at intervals of not more than four hundred (400) feet, at low points and sags in the roadway and near the corners of the roadway at intersecting STREETS as necessary.
- 9.2.3 Sub-drains, constructed as shown in the Mass. Highway Dept. Construction Standards, shall be installed at the edge of the area to be paved when deemed necessary by the BOARD.
- 9.2.4 Open drainage trenches may be used 100 feet or more from the traveled STREET or WAY only in cases of extreme hardship owing to conditions especially affecting the parcel and under the following conditions:
 - 9.2.4.1 Depth shall not be more than four (4) feet below adjacent areas;
 - 9.2.4.2 Sides of trench shall not be steeper than one (1) foot of rise per two (2) feet of horizontal distance;
 - 9.2.4.3 Twenty (20) foot wide calculated EASEMENTS shall be provided with the main channel of flow centered on this EASEMENT.
- 9.2.5 Water pipes and related equipment, such as hydrants and main shut-off valves, shall be constructed to serve all LOTS on each STREET in the SUBDIVISION in conformity with specifications of the Acton Water District (or its successor). Hydrants shall be provided and placed at intervals of not more than 500 feet along each STREET and painted with luminous paint as specified by the Acton Fire Chief. All locations must be shown on the definitive plan and must be approved by the Fire Chief.
- 9.2.6 Water mains within SUBDIVISION limits shall be eight (8) inches in diameter or larger, except as otherwise permitted by the Acton Water District.
- 9.2.7 Sanitary sewers and related equipment if and when required shall be constructed to serve all LOTS on each STREET in the SUBDIVISION in accordance with the Master Sewer Plan and the specifications of the Town of Acton and the Board of Health.
- 9.2.8 Fire call boxes, as well as required connecting lines, shall be constructed to serve the SUBDIVISION in conformity with the specifications of the Fire Department of the Town of Acton. All box locations must be shown on the definitive plan and must be as approved by the Fire Chief.
- 9.2.9 MGL Ch. 82, S.40 as amended, requires that contractors notify public utility companies, in writing, at least 72 hours before digging or excavating on public or private property. One phone call to the Massachusetts Public Utilities Underground Plant Damage Pre-

Appendix A

FORM ANR -	Application for Endorsement of Plan Believed Not to Require Approval
FORM PP -	Application for Approval of Preliminary Plan
FORM DP -	Application for Approval of Definitive Plan
FORM DIR -	Development Impact Report
FORM CLA -	Certified List of PARTIES IN INTEREST
FORM DP-LN -	Legal Notice
FORM DC -	Designer's Certificate
FORM CB -	Certification of Bounds
FORM RC -	Restrictive Covenant
FORM IB -	Insurance Bond
FORM LR-PS -	Release of Lots – Provision of Surety
FORM LR-CP -	Release of Lots – Certificate of Performance

ACTON PLANNING BOARD

FORM ANR

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

The undersigned, believing that the accompanying plan of his property in the Town of Acton does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

(Please type or print information in blanks below.)

1. Name of Applicant(s)_____
- Contact Address_____Phone_____
2. Name of Property Owner(s)_____
- Contact Address_____Phone_____
3. Name of Registered Land Surveyor_____
- Address_____Phone_____
4. Deed of property recorded in Middlesex South Registry of Deeds, Book Number_____;
- Page Number_____; and/or registered in Middlesex Registry of Land Court, Certificate of
- Title Number _____.
5. Zoning District_____, Town Atlas Map No._____ Parcel No._____.
- Total Acreage of Land Divided_____
- Location and Description of Property_____
- _____.
6. Board of Appeals decisions pertaining to land or buildings (attach copy of decision)
- _____.
7. Reason plan does not constitute a subdivision_____
- _____

Signature of Applicant_____

Date_____

Signature of Owner_____

Date_____

PLANNING BOARD APPROVAL under the SUBDIVISION CONTROL LAW NOT REQUIRED

Signed_____for the Acton Planning Board

Date_____.

ACTON PLANNING BOARD

FORM PP

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

The undersigned herewith submits the accompanying Preliminary Plan of property located in the Town of Acton for Approval under the suggested procedure in the Rules and Regulations Governing the Subdivision of Land in the Town of Acton, Massachusetts.

(Please type or print information in blanks below.)

1. Name of Proposed Subdivision_____
2. Name of Applicant(s)_____
Address_____Phone_____
3. Name of Property Owner(s)_____
Address_____Phone_____
4. Name of Engineer_____
Address_____Phone_____
5. Name of Land Surveyor_____
Address_____Phone_____
6. Deed of property recorded in the Middlesex South Registry of Deeds Book Number_____,
Page Number_____and/or registered in the Middlesex Registry of Land Court, Certificate
of Title Number_____.
7. Zoning District_____Map No.(s)_____Parcel No.(s)_____
8. Approximate acreage in subdivision_____Number of lots_____
9. Total length of road(s) in linear feet_____
10. Location and Description of property_____

Signature of Applicant, Date

Signature of Applicant, Date

Signature of Owner, Date

Signature of Owner, Date

ALL owners (in case of a corporation, an authorized officer; in the case of a trust, ALL trustees) must sign.

ACTON PLANNING BOARD

FORM DP

APPLICATION for APPROVAL of DEFINITIVE PLAN

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Acton for Approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in the Town of Acton.

(Please type or print information in blanks below.)

1. Name of Proposed Subdivision _____
2. Name of Applicant(s) _____
Contact Address _____ Phone _____
3. Name of Property Owner(s) _____
4. Name of Engineer _____
Address _____ Phone _____
5. Name of Land Surveyor _____
Address _____ Phone _____
6. Deed of property recorded in Middlesex South Registry Of Deeds, Book Number _____,
Page Number _____; and/or registered in Middlesex Registry of Land Court, Certificate of
Title Number _____.
7. Zoning District _____, Town Atlas Map No. _____ Parcel No. _____
Approximate acreage in subdivision _____, Number of Lots _____
Total length of road(s) in feet _____
Location and Description of Property _____

8. Said plan has () / has not () evolved from a preliminary plan submitted to the Board on
_____ 20 __; and approved (with modifications) () or disapproved () on _____ 20 ____.

Applicant(s) Signature, Date

Applicant(s) Signature, Date

Owner(s) Signature, Date

Owner(s) Signature, Date

All owners (in the case of a corporation, an authorized officer; in the case of a trust, all trustees) must sign.

FORM DIR

DEVELOPMENT IMPACT REPORT

The Development Impact Report (DIR) is intended to serve as a guide to the applicant in formulating the development proposal, as well as a guide to the Planning Board in its evaluation of the proposed development in the context of existing conditions and planning efforts by the Town. The DIR should be prepared as early in the development process as possible, even if certain aspects are unknown at that time. It is recommended that the various aspects of the DIR, together with a conceptual development plan, are discussed with the Planning Department staff as soon as possible, prior to the filing of an application for approval of a preliminary plan.

The DIR seeks to raise the broad range of issues generally associated with development plans in a form and in a language that is understandable to a layperson. It assesses development impacts which could possibly be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information which will help the Town plan ahead and ensure adequate services in the future. It is the hope of the Planning Board that the use of the DIR, along with early consultations with the Planning Department staff and the applicant's continuing cooperation throughout the development process, will foster a development of excellent quality and design sensitive to Acton's natural and historic heritage and other community concerns.

The DIR shall be filed with an application for approval of a preliminary and a definitive subdivision plan. The DIR shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment. In preparing the DIR, professionals of the respective fields shall be consulted and a systematic, interdisciplinary approach shall be utilized which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning, designing and engineering of the proposed project.

DEVELOPMENT IMPACT REPORT

Please type or print information in blanks below.

1. Name of Proposed Subdivision _____
2. Location _____
3. Name of Applicant(s) _____
4. Brief Description of the Proposed Project _____

5. Name of Individual Preparing this DIR _____
Address _____ Business Phone _____

6. Professional Credentials _____

A. Site Description

7. Present permitted and actual land uses by percentage of the site.

<i>Uses</i>	<i>Percentage</i>
Industrial	
Commercial	
Residential	
Forest	
Agricultural	
Other (specify)	

8. Total acreage on the site: _____ acres.

Approximate Acreage	At Present	After Completion
Meadow or Brushland (non agriculture)		
Forested		
Agricultural (includes orchards, cropland, pasture)		
Wetland		
Water Surface Area		
Flood Plain		
Unvegetated (rock, earth, or fill)		
Roads, buildings and other impervious surfaces		
Other (indicate type)		

9. List the zoning districts in which the site is located and indicate the percentage of the site in each district. *Note: be sure to include overlay zoning districts.*

District	Percentage

10. Predominant soil type(s) on the site: _____

Soil drainage (Use the US Soil Conservation Service's definition)

Soil Type	% of the Site
Well drained	
Moderately well drained	
Poorly drained	

11. Are there bedrock outcroppings on the site? ____yes ____no

12. Approximate percentage of proposed site with slopes between:

Slope	% of the Site
0 - 10%	
10 - 15%	
greater than 15%	

13. In which of the Groundwater Protection Districts in the site located? How close is the site to a public well?

Zone(s) _____ Proximity to a public well: _____ feet

14. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (Consult with the Massachusetts National Heritage Program and the Acton Natural Resources Director).

____yes ____no

If yes, specify: _____

15. Are there any unusual or unique features on the site such as trees larger than 30 inches D.B.H., bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formation or granite bridges?

____yes ____no

If yes, specify: _____

16. Are there any established foot paths running through the site or railroad right of ways?

____yes ____no

If yes, specify: _____

17. Is the site presently used by the community or neighborhood as an open space or recreation area? ____yes ____no

Is the site adjacent to conservation land or a recreation area? ____yes ____no

If yes, specify: _____

18. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? ____yes ____no

If yes, specify: _____

19. Are there wetlands, lakes, ponds, streams, or rivers within or contiguous to the site?

____yes ____no

If yes, specify: _____

20. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? ____yes ____no

If yes, specify: _____

21. Has the site ever been used for the disposal of hazardous waste? Has a 21E Study been conducted for the site? ____yes ____no

If yes, specify results: _____

22. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? ____yes ____no

If yes, specify _____

23. Does the project contain any buildings or sites of historic or archaeological significance? (Consult with the Acton Historic Commission or the Action Historical Society.)

____yes ____no

If yes, please describe _____

24. Is the project contiguous to or does it contain a building in a local historic district or national register district?
 ____yes ____ no
25. Is the project contiguous to any section of the Isaac Davis Trail?
 ____yes ____ no

If yes, please describe _____

B. Circulation System

26. What is the average weekday traffic and peak hour traffic volumes generated by the proposed subdivision?

Average weekday traffic		
Average peak hour volumes	morning	
Average peak hour volumes	evening	

27. Existing street(s) providing access to proposed subdivision:

Name _____ Town Classification _____

28. Existing intersection(s): list intersections located within 1000 feet of any access to the proposed development:

Name of ways _____

29. Location of existing sidewalks within 1000 feet of the proposed site? _____

30. Location of proposed sidewalks and their connection to existing sidewalks:

31. Are there parcels of undeveloped land adjacent to the proposed site? ____yes ____ no

Will access to these undeveloped parcels be provided within the proposed site?

____yes ____ no

If yes, please describe _____

If no, please explain why _____

C. Utilities and Municipal Services

32. If dwelling units are to be constructed, what is the total number of bedrooms proposed?

33. If the proposed use of the site is nonresidential, what will the site be specifically used for and how many feet of Gross floor area will be constructed? _____

34. Storm Drainage

- a. Describe nature, location and surface water body receiving current surface water of the site:

- b. Describe the proposed storm drainage system and how it will be altered by the proposed development: _____

- c. Will a NPDS Permit be required? ____yes ____ no

35. In the event of fire, estimate the response time of the fire department (consult with Fire Dept.)

36. Schools (if residential)

- a. Projected number of new school age children: _____
- b. Distance to nearest school: _____

E. Measures to Mitigate Impacts

Attach brief descriptions of the measures that will be taken to:

37. Prevent surface water contamination.
38. Prevent groundwater contamination.
39. Maximize groundwater recharge.
40. Prevent erosion and sedimentation.
41. Maintain slope stability.
42. Design the project to conserve energy.
43. Preserve wildlife habitat.
44. Preserve wetlands.
45. Ensure compatibility with the surrounding land uses.
46. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment rate of runoff for the 10-year storm event..
47. Preserve historically significant structure sand features on the site.
48. To mitigate the impact of the traffic generated by the development.

Please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, graphics shall be used. List sources of data, reference materials, and methodology used to determine all conclusions. Use additional sheets as necessary.

ACTON PLANNING BOARD

FORM CLA

CERTIFIED LIST OF PARTIES IN INTEREST

_____, 20__

The undersigned, believing that the following list of names includes all abutters to the subdivision named below and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list, has had this list certified by the Clerk of the Board of Assessors.

NAME

MAILING ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Owner's Signature: _____ Date: _____

Subdivider's Signature: _____ Date: _____

Name of Subdivision: _____

Clerk of Assessor's Signature: _____

ACTON PLANNING BOARD

FORM DP-LN

LEGAL NOTICE OF PUBLIC HEARING

ACTON PLANNING BOARD

The Acton Planning Board will hold a public hearing on _____, 20____, at
_____ in the Acton Memorial Library, 486 Main Street, Acton, Massachusetts to discuss a
proposed subdivision of land entitled _____ as
petitioned by _____. This subdivision
consists of _____ acres to be divided into _____ lots. The land is located in Acton,
Massachusetts off of _____ and shown on Town Atlas Map(s)
_____, Parcel(s) _____. Plans may be viewed at the Office of the Planning Board or
the Office of the Town Clerk.

ACTON PLANNING BOARD

FORM DC

DESIGNER'S CERTIFICATE

I hereby certify that the accompanying plan entitled _____

_____ dated _____

is correct, stating that the perimeter traverse of the subdivision before adjustment was closed to an accuracy of a ratio "error of closure" not to exceed 1/15000*; that it is a subdivision of _____

acres conveyed by _____ to

_____ by a deed, dated

_____ and recorded in Middlesex County Registry of Deeds, South District,

Book _____, Page _____.

Other sources of information used in the preparation of the plan are:

1. Other deeds and plans, as follows _____

2. Oral information furnished by _____

3. Other _____

Furthermore, I certify that this survey was made on the ground in accordance with the "Procedural and Technical Standards for the Practice of Land Surveying", Section 250 CMR** 5.0 between

_____ and _____.

(date) (date)

(Seal of Surveyor)

Signed _____

Registered Land Surveyor

Date

Address _____

Registration No. _____

*As described in the "1989 Manual of Instructions for the Survey of Lands and Preparation of Plans" published by the Land Court of the Commonwealth of Massachusetts, as most recently amended.

** Code of Massachusetts Regulations

ACTON PLANNING BOARD

FORM CB

CERTIFICATION OF BOUNDS

I hereby certify that permanent monuments have been accurately installed on

_____ (street)

and are located as described and shown on the "As Built" plan, dated _____

of said roadway submitted to the Planning Board, Town of Acton, Massachusetts as required by

the Acton Subdivision Rules and Regulations.

Furthermore, I certify that the bound traverses had a ratio "error of closure" not to exceed 1/15000*

and that these bounds have been set in accordance with the "Procedural and Technical Standards

for the Practice of Land Surveying", Section 250 CMR** 5.0 between _____

(Date)

and _____.

(Date)

Signed _____

Registered Land Surveyor

Seal of Surveyor

Date _____

Address _____

Registration Number

* As described in the "1989 Manual of Instructions for the Survey of Lands and Preparation of Plans" published by the Land Court of the Commonwealth of Massachusetts, as most recently amended.

** Code of Massachusetts Regulations

ACTON PLANNING BOARD

FORM RC

RESTRICTIVE COVENANT

In consideration of the approval by the Planning Board of the Town of Acton, Massachusetts (hereinafter referred to as the Board), of a plan of land located in Acton, Middlesex County, Massachusetts entitled _____, dated _____, revised _____, by _____, approved by the Board on _____ and the waiver by the Board of a bond or other security for the construction of the ways and the installation of certain services shown on said plan, in compliance with the Town of Acton, Massachusetts (the "Town") Subdivision Rules and Regulations, last amended _____;

(the "Developer"), having its usual place of business in _____, its successors and assigns, hereby covenant and agree with the Board and the Town as follows:

1. The undersigned Developer is the owner in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of said land, except for those described below, and that the present holders of said mortgages have assented to this covenant prior to its execution by the Developer.
2. The Developer shall not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the following:
 - a) The Subdivision Control Law and the Acton Planning Board's Rules and Regulations governing this subdivision.
 - b) The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated _____.
 - c) The definitive plan as approved and as qualified by the certificate of approval.
 - d) Other document(s), namely:

3. However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or built upon until ways and services have been provided to serve such lot.
4. The Developer will expeditiously and diligently proceed to construct the ways shown on the aforesaid plan and in the event that the Board concludes, in its sole discretion, that the Developer is not so constructing such ways, the Developer shall provide additional security other than this covenant sufficient in the Board's opinion for the construction and completion of such ways and services as shown on the aforesaid plan or for a portion thereof. Such additional securities shall comply with the requirements of the Town's Subdivision Rules and Regulations, provided, however, that the Board shall determine the date by which the work, for which additional security must be posted, shall be completed.

5. This covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the Developer and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
6. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
7. Particular lots within the subdivision shall be released from this covenant upon the recording of a certificate of performance executed by the Planning Board and enumerating the specific lots to be released.
8. The Developer agrees to record this covenant with the Middlesex County Registry of Deeds, forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
9. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed.
10. This covenant shall be executed before endorsement of the approval of the definitive plan by the Planning Board and shall take effect upon such endorsement.
11. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before _____, the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be approved by the Planning Board, shall constitute reason for rescission by the Board of the approval of the plan.
12. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L., Chapter 41, Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.
13. The land included in the subdivision is encumbered by and subject to the following mortgages which, however, are subordinated to this covenant:
 - a) Mortgage granted by the Developer to _____, dated _____, and recorded with the Middlesex South Registry of Deeds at Book _____, Page _____, and the Middlesex Registry of the Land Court as Document No _____, and
 - b) Other mortgages:

IN WITNESS WHEREOF, the mortgage holder(s) assents to this covenant and agrees to subordinate said mortgage(s) to this covenant, signed under seal as of the _____ day of _____, 20____.

FIRST MORTGAGE HOLDER _____

By _____

SECOND MORTGAGE HOLDER _____

By _____

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 20__

Then personally appeared the above named _____, and acknowledged the foregoing instrument to be his/her/its free act and deed and the free act and deed of _____, before me.

Notary Public
My commission expires: _____

IN WITNESS WHEREOF, the Developer(s) has executed this Restrictive Covenant under seal as of the _____ day of _____, 20__.

DEVELOPER(S)

By _____

By _____

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 20__

Then personally appeared the above named _____, and acknowledged the foregoing instrument to be his/her/its free act and deed and the free act and deed of _____, before me.

Notary Public
My commission expires: _____

Approved and accepted by the Acton Planning Board:

_____ Date: _____

ACTON PLANNING BOARD

**FORM IB
INSURANCE BOND**

Bond No.: _____

**PERFORMANCE BOND SECURED BY
A SURETY COMPANY**

_____, 20____
Acton, Massachusetts

AGREEMENT made this date between the Town of Acton, MA, a Massachusetts municipal corporation acting through its Planning Board ("the Obligee"), _____ (insert name, and street & mailing address of builder/developer) _____ ("the Principal"), and _____ (insert insurance company name) _____, duly authorized to conduct business in the Commonwealth of Massachusetts and having a usual place of business at _____ (insert insurance company street and mailing address) _____ ("the Surety") to secure the construction of streets and ways, the installation of municipal services, and the construction of certain other improvements within Two (2) years from the date hereof (the "Completion Date") for lots as shown on the subdivision plan entitled: " _____ (insert subdivision plan title) _____", consisting of _____ (insert number of pages/sheets) _____ sheets, last revised on _____ (insert last revision date) _____, endorsed by the Planning Board on _____ (insert plan endorsement date) _____ ("the Approved Plan"). Said plan is recorded at the Middlesex South District Registry of Deeds as Plan No. _____ of _____.

KNOW ALL PERSONS BY THESE PRESENTS that the Principal and the Surety hereby bind and obligate themselves jointly and severally, their executors, administrators, devisees, heirs, successors and assigns to the Obligee with this Performance Bond in the sum of _____ (insert penal sum in words) _____ (\$____,____.____) to be used to insure the performance and completion by the Principal on or before the Completion Date of all improvements, covenants, conditions, agreements, terms, and provisions shown and contained in the following:

1. The Approved Plan;
2. The Planning Board's Certificate of Approval, Decision # _____, dated _____, 20____;
3. Including, but not limited to the items listed in the Town's Engineering Department bond calculation for _____ (insert subdivision & street name) _____, dated _____, 20____;

This Performance Bond shall not expire until the Obligee upon request has certified that the Principal has performed and completed all road work, improvements and obligations according to the aforesaid documents, or the Obligee has accepted another method of securing performance as provided in Massachusetts General Laws c.41, §81U.

Upon the Obligee's certification that the Principal has completed all obligations as specified herein by the above completion date, or such later date as the Obligee may approve upon a written request by the Principal and the Surety made at least 45 days prior to the Completion Date, the Obligee shall release its interest in this Performance Bond.

In the event that the Principal fails to complete all obligations as specified herein, the full amount of this Performance Bond shall be due immediately to the Obligee. Failure by the Principal to complete all obligations set forth herein shall be defined as follows:

- a) Failure to complete all improvements as specified herein by the Completion Date, or
- b) Bankruptcy of the Principal or the foreclosure of any mortgage on all or part of the land shown on the Approved Plan before the scheduled completion date, or
- c) Notice to the Obligee of the withdrawal or termination of this Performance Bond, or of its substitution with another method of securing performance, unless such notice is given 45 days prior to the date of withdrawal, termination or substitution, or
- d) Any other condition or circumstance, which in the opinion of the Obligee constitutes the Principal's default under this Performance Bond.

Any amendments to this Performance Bond shall not take effect unless agreed upon in writing by all parties to this Agreement.

IN WITNESS WHEREOF, this instrument has been executed by the duly authorized representatives of the Principal, the Surety, and the Obligee.

Signed, sealed, and dated: _____, 20__.

(Signature for Principal)

(Signature for Surety)

Roland Bartl, AICP, Town Planner
for the Obligee

Attachments: Power of Attorney for Person signing on behalf of Surety
Financial Statement by Surety
Surety's license to operate in the Commonwealth of Massachusetts

ACTON PLANNING BOARD

FORM LR-PS

RELEASE OF LOTS

PROVISION OF SURETY

_____, 20____

The Planning Board of the Town of Acton, Massachusetts, hereby certifies that sufficient surety, in the opinion of said Board, has been provided for the cost of the completion of the ways and certain services necessary to provide access and services to certain lots, hereinafter designated, in accordance with the provisions of the Restrictive Agreement dated _____, 20____ and recorded in the Middlesex South District Registry of Deeds, Book _____, Page _____, or registered in the Middlesex South District Land Registry, as Document No. _____, Page _____ Plan No. _____ of 20____, or registered in said Land Registry District in Plan Book _____, Plan _____ and said lots are hereby released from the restrictions as to sale and building specified in the Restrictive Agreement.

Lots designated on said Plan, released hereunder _____
_____.

Approved by the Acton Planning Board

By: _____

Date _____

ACTON PLANNING BOARD

FORM LR-CP

RELEASE OF LOTS

CERTIFICATE OF PERFORMANCE

_____, 20____

The Planning Board of the Town of Acton, Massachusetts hereby certifies that the requirement for work on the ground called for by the Restrictive Agreement dated _____, and recorded in the Middlesex South District Registry of Deeds, Book _____, Page _____ have been completed to the satisfaction of the Planning Board as to the following designated lots shown on a Plan entitled _____ dated _____, recorded with said Registry of Deeds, Plan Book _____, Page _____, and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated on said Plan, released hereunder: _____

Planning Board of the Town of Acton, Massachusetts

By: _____

Date _____

Appendix B

• Typical Roadway Section	R-1
• Typical Utility Section	R-2
• Typical Block Manhole	D-1
• Typical Block Catchbasin	D-2
• Typical Leaching Basin	D-3
• Typical Headwall Section	D-4
• Typical Combination Headwall	D-5
• Typical Flared Concrete Pipe Ends	D-6
• Typical Subdrain Section	D-7
• Typical Waterway Sections	D-8
• Typical Tree Well Plan & Section	M-1
• Deciduous Tree Planting Detail	P-1
• Evergreen Tree Planting Detail	P-2
• Shrub Planting Detail	P-3
• Planting Species for Cul-De-Sac Islands and Chokers	P-4

DESIGN AND CONSTRUCTION STANDARDS



TOWN OF ACTON
ENGINEERING DEP.
JANUARY 1975

INDEX

ROADWAY SECTIONS

TYPICAL ROADWAY SECTION
TYPICAL UTILITY SECTION

R-1
R-2

DRAINAGE

TYPICAL BLOCK MANHOLE
TYPICAL BLOCK CATCHBASIN
TYPICAL LEACHING CATCHBASIN
TYPICAL HEADWALL SECTION
TYPICAL COMBINATION HEADWALL
TYPICAL FLARED CONCRETE PIPE ENDS
TYPICAL SUBDRAIN SECTION
TYPICAL WATERWAY SECTIONS

D-1
D-2
D-3
D-4
D-5
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D-7
D-8

MISCELLANEOUS

TYPICAL TREE WELL PLAN & SECTION

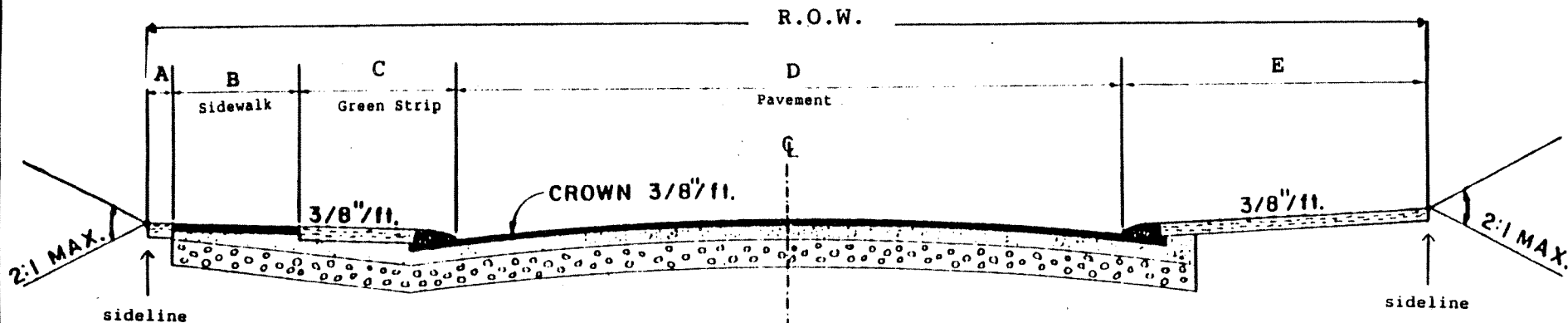
M-1

PLANTING DETAILS

DECIDUOUS TREE PLANTING DETAIL
EVERGREEN TREE PLANTING DETAIL
SHRUB PLANTING DETAIL
PLANT SPECIES FOR CUL-DE-SAC ISLANDS & CHOKERS

P-1
P-2
P-3
P-4

TYPICAL STRUCTURAL SECTION FOR NEW STREETS



STANDARD WIDTHS (1)

		R.O.W.	A(3)	B	C	D(4)	E(3)		
LOCAL STREET	low intensity(2)	40'	1'	5'	4'	20'	10'		
	other	50'	3' (4')	5'	5'	24' (22')	13' (14')		
							C	B	A
COLLECTOR STREET		50'	2' (3')	5'	5'	26' (24')	5'	5'	2' (3')

Notes: (1) The BOARD may authorize or require variations from a standard width. Turning lanes, traffic islands, medians and provisions for on street parking may be required which necessitate greater R.O.W. and/or pavement widths. ARTERIAL STREETS also require additional R.O.W. and pavement width.

(2) These are typically residential SINGLE ACCESS STREETS as permitted in these RULES, and any other LOCAL STREETS where anticipated future traffic does not exceed an average daily traffic volume of 250 vehicles per day (vpd).

(3) Shoulders A and E should remain constant wherever possible.

(4) Centerline of pavement should equal the R.O.W. centerline wherever possible.

ROADWAY STRUCTURAL SECTION

3.5" BITUMINOUS CONCRETE TYPE I
2" Binder Course
1.5" Wearing Course

6" PROCESSED GRAVEL

12" SURFACING GRAVEL

SIDEWALK STRUCTURAL SECTION

2.5" BITUMINOUS CONCRETE TYPE I
applied in two courses

3" PROCESSED GRAVEL

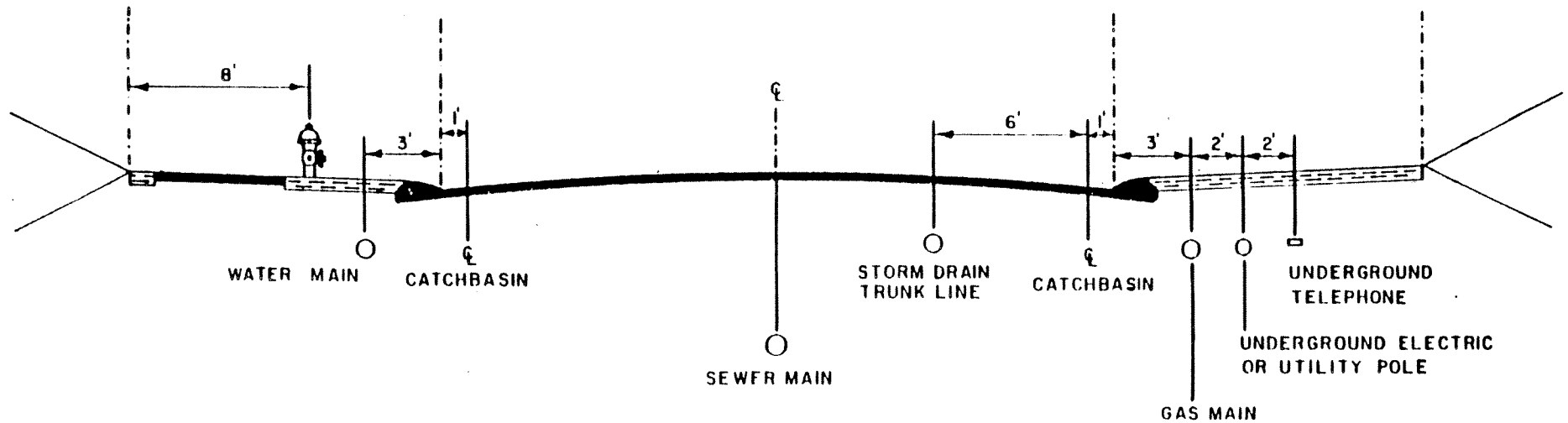
6" BANK RUN GRAVEL (OR EQUIVALENT)

SHOULDER (ALL OTHER AREAS)

6" MIN. LOAM & SEED

TOWN OF ACTON
TYPICAL ROADWAY SECTION
ENGINEERING DEPT.
SCALE: NONE
SEPT, 1973

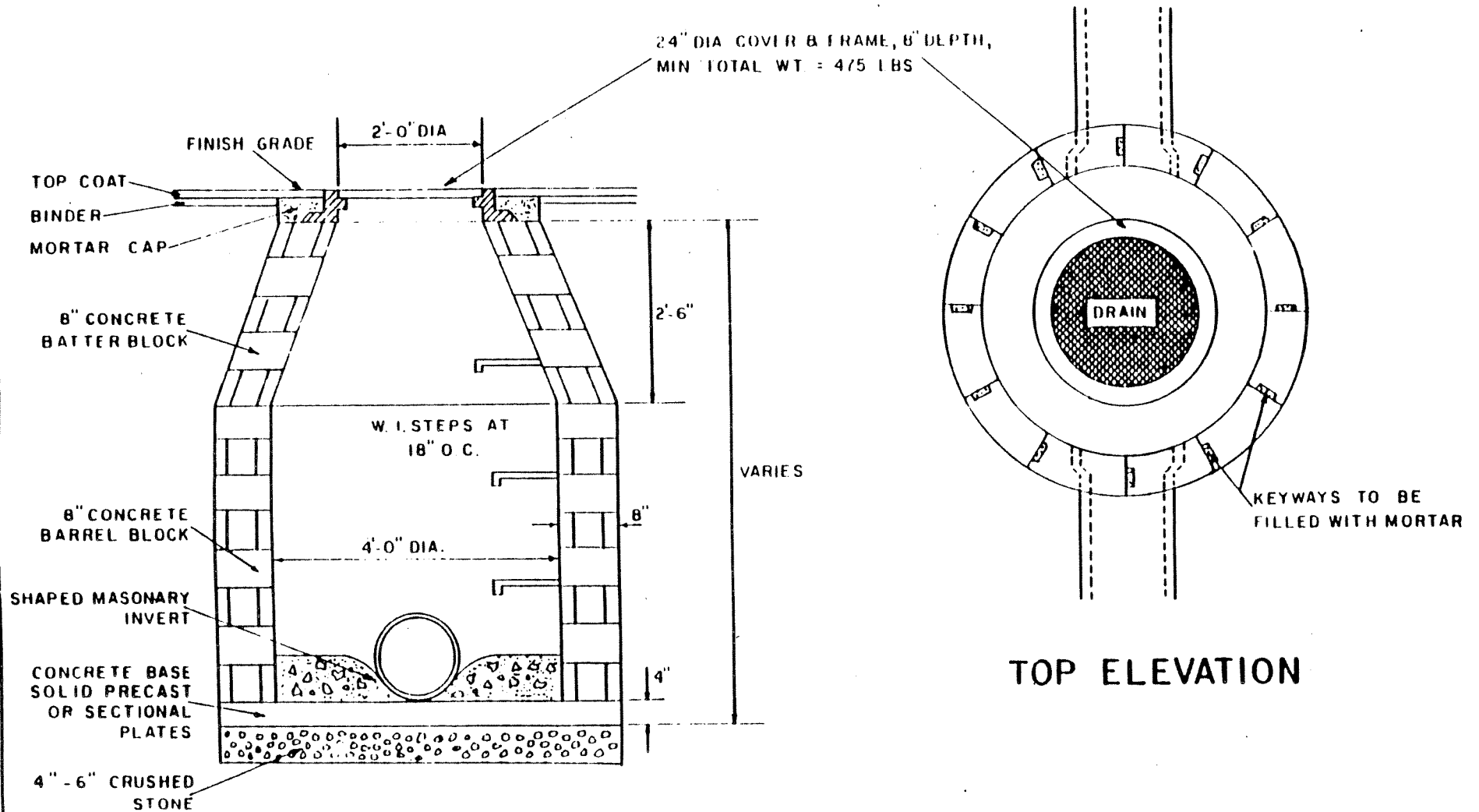
TYPICAL UTILITY SECTION



UTILITY	COVER
STORM DRAIN AND CROSS DRAIN (MIN 12" R.C.P.)	2'
GAS MAIN	2'-6"
UNDERGROUND ELECTRIC AND TELEPHONE CONDUITS	2'-6"
WATER MAIN	4'-6"
SEWER MAIN	6'-6"

TOWN OF ACTON
TYPICAL UTILITY SECTION.
ENGINEERING DEPT.
SCALE: NONE OCT, 1974

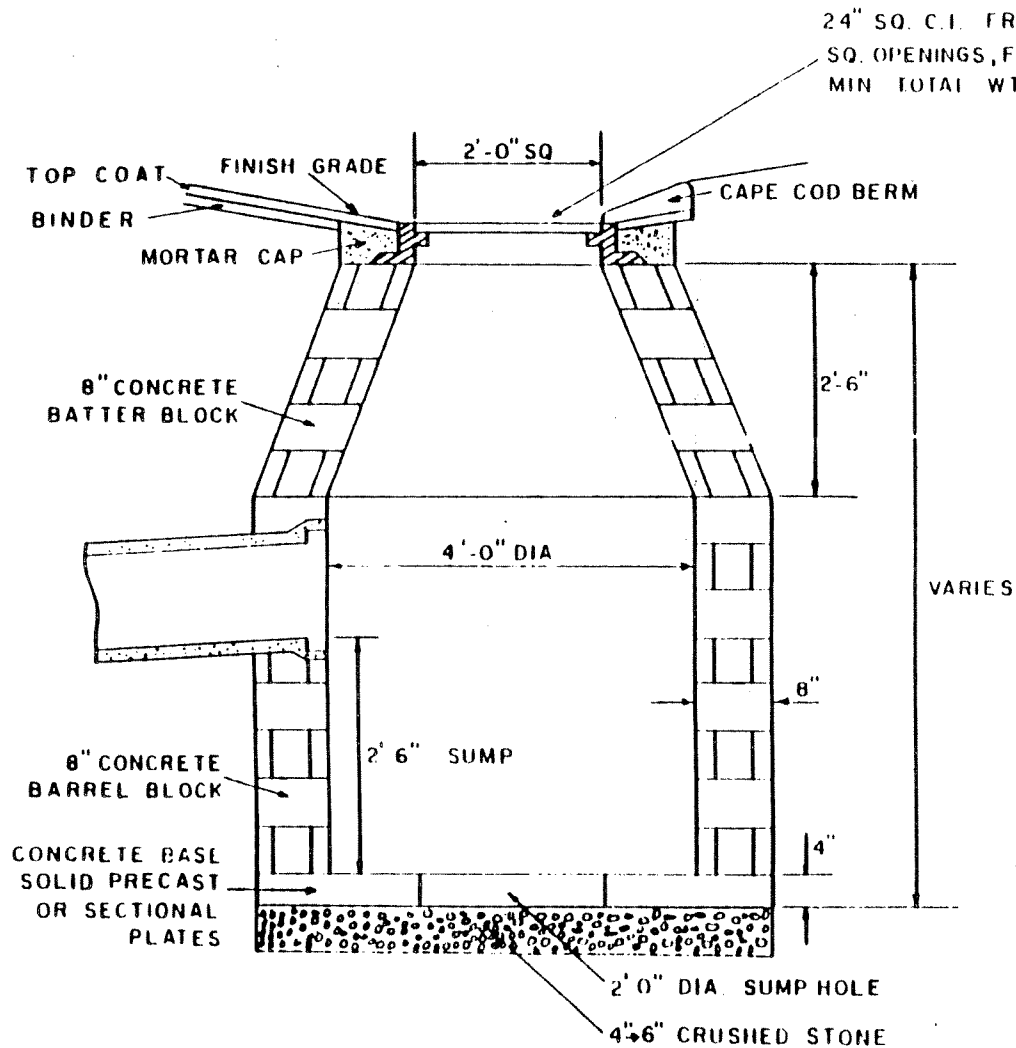
TYPICAL BLOCK MANHOLE



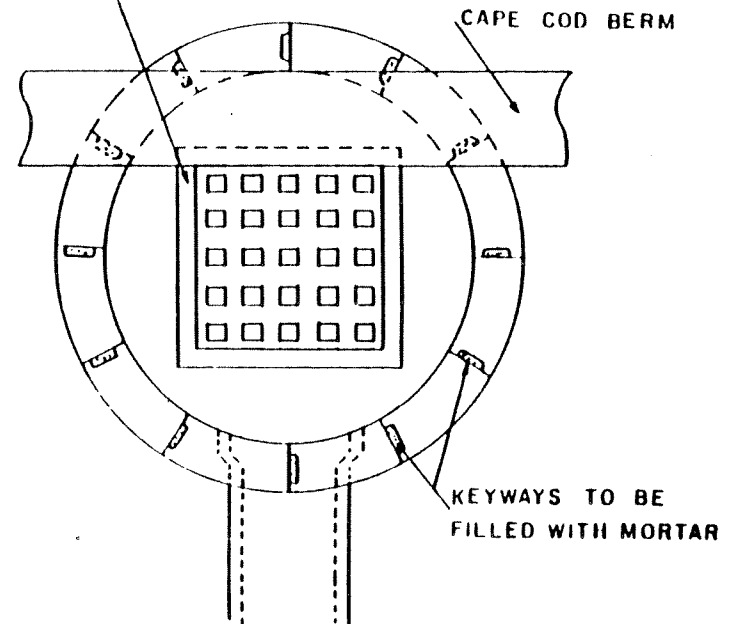
SIDE ELEVATION

TOP ELEVATION

TYPICAL BLOCK CATCH BASIN



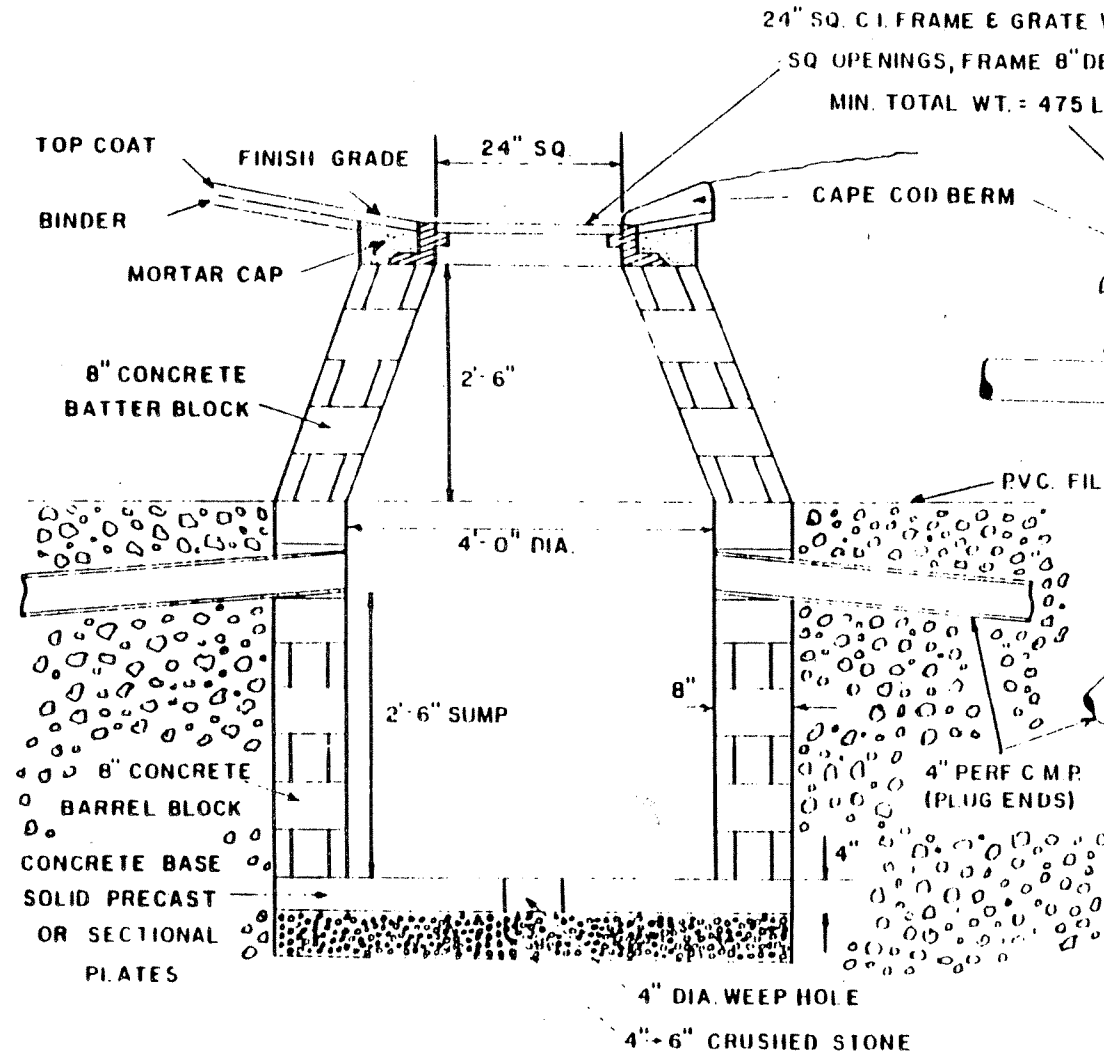
SIDE ELEVATION



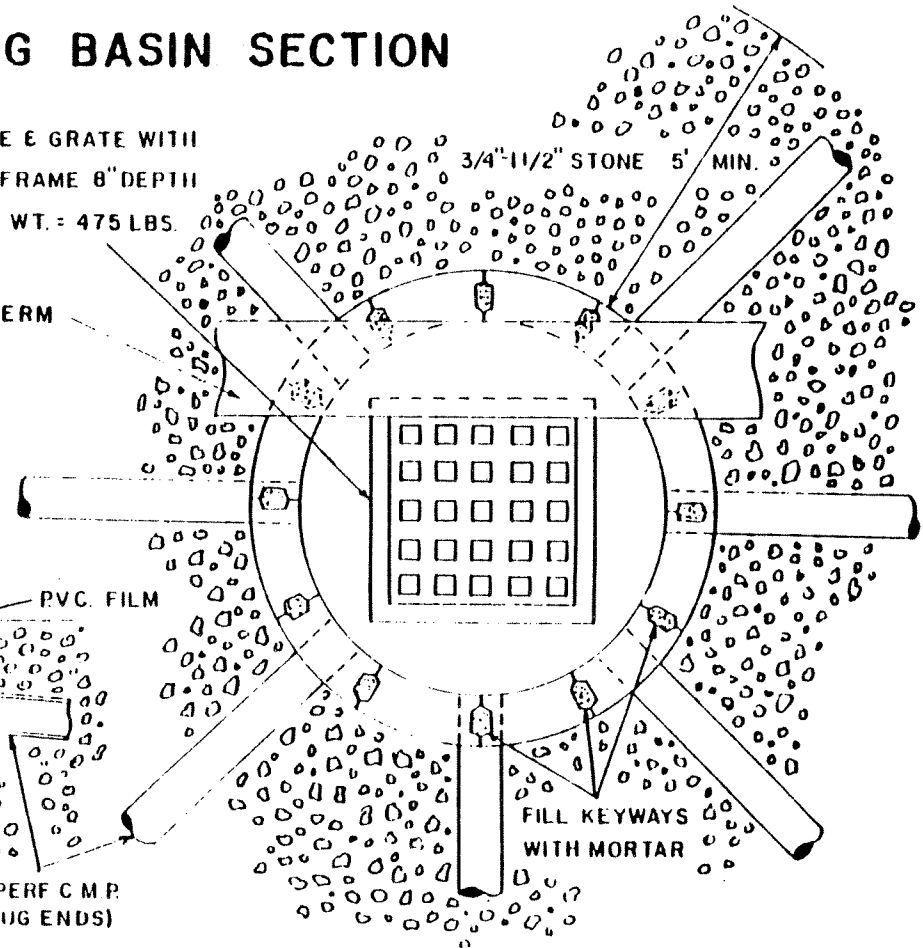
TOP ELEVATION

TOWN OF ACTON
TYPICAL BLOCK CATCH BASIN
ENGINEERING DEPT.
SCALE: NONE
JAN, 1974

TYPICAL LEACHING BASIN SECTION



SIDE ELEVATION



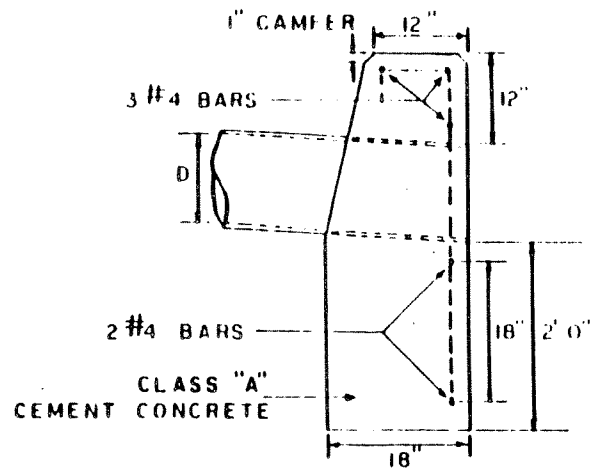
TOP ELEVATION

TOWN OF ACTON
TYPICAL LEACHING BASIN
ENGINEERING DEPT.

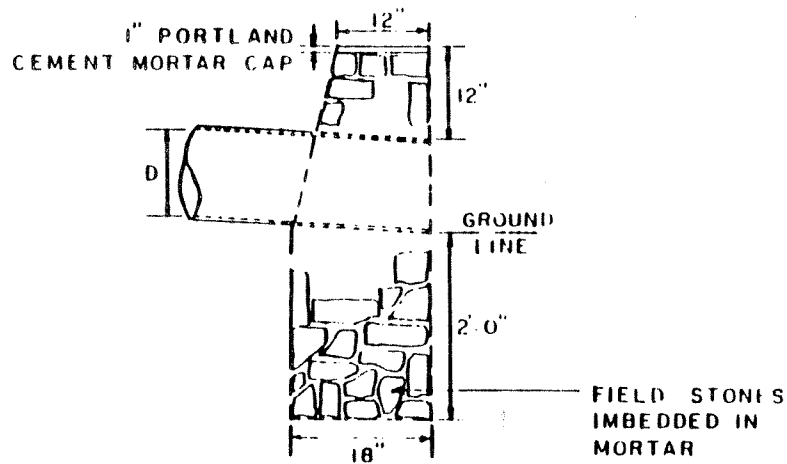
SCALE: NONE

MAY, 1974

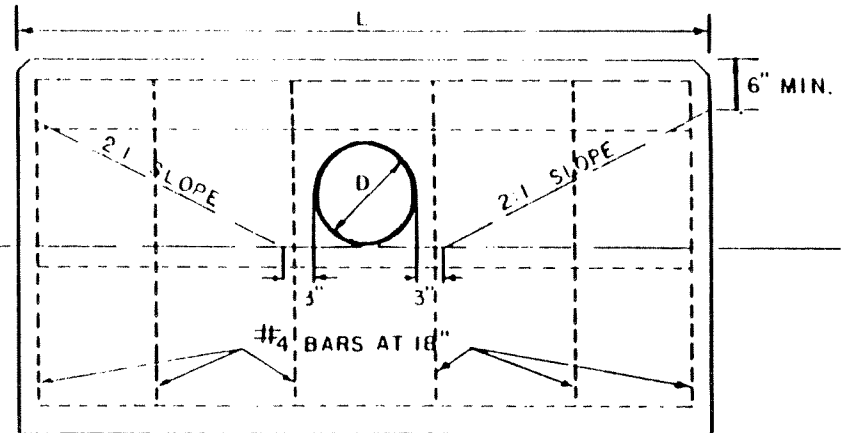
TYPICAL HEADWALL SECTION



END ELEVATIONS



NOTE ON ALL CONCRETE HEADWALLS THE REINFORCEMENT BARS HAVE A MIN DEPTH OF 2" FROM SURFACE



FRONT ELEVATION

PIPE DIAMETER	12"	15"	18"	21"	24"	30"
"L"	7'-6"	8'-9"	10'-0"	11'-6"	12'-6"	15'-0"

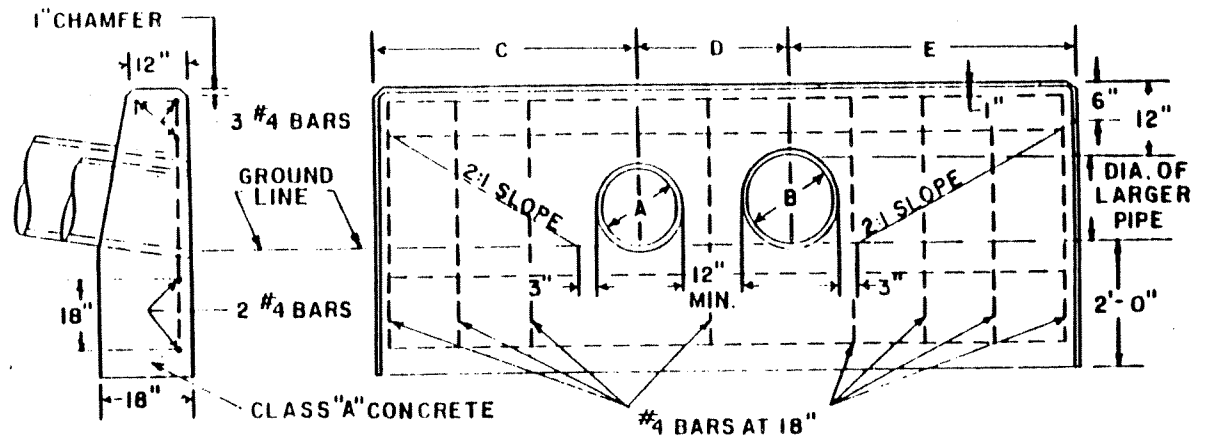
TOWN OF ACTON
TYPICAL HEADWALL SECTION
ENGINEERING DEPT

SCALE: NONE

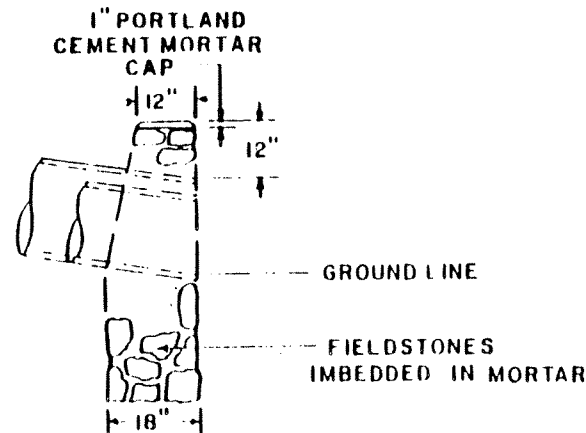
DEC, 1973

TYPICAL COMBINATION HEADWALL SECTION

DIAMETERS		LENGTHS			
A	B	C	D	E	
12"	12"	3'-9"	2'-2"	3'-9"	
12"	15"	4'-3"	2'-4"	4'-5"	
12"	18"	4'-9"	2'-6"	5'-0"	
12"	21"	5'-4"	2'-8"	5'-8"	
12"	24"	5'-9"	2'-10"	6'-3"	
12"	30"	6'-9"	3'-0"	7'-6"	
15"	15"	4'-5"	2'-6"	4'-5"	
15"	18"	4'-11"	2'-8"	5'-0"	
15"	21"	5'-5"	2'-10"	5'-8"	
15"	24"	5'-11"	3'-0"	6'-3"	
15"	30"	6'-11"	3'-2"	7'-6"	
18"	18"	5'-0"	2'-8"	5'-0"	
18"	21"	5'-7"	2'-10"	5'-8"	
18"	24"	6'-0"	3'-0"	6'-3"	
18"	30"	7'-0"	3'-2"	7'-6"	
21"	21"	5'-8"	3'-0"	5'-8"	
21"	24"	6'-2"	3'-4"	6'-3"	
21"	30"	7'-2"	3'-6"	7'-6"	
24"	24"	6'-3"	3'-4"	6'-4"	
24"	30"	7'-3"	3'-8"	7'-6"	
30"	30"	7'-6"	4'-0"	7'-6"	



FRONT ELEVATION



SIDE ELEVATION

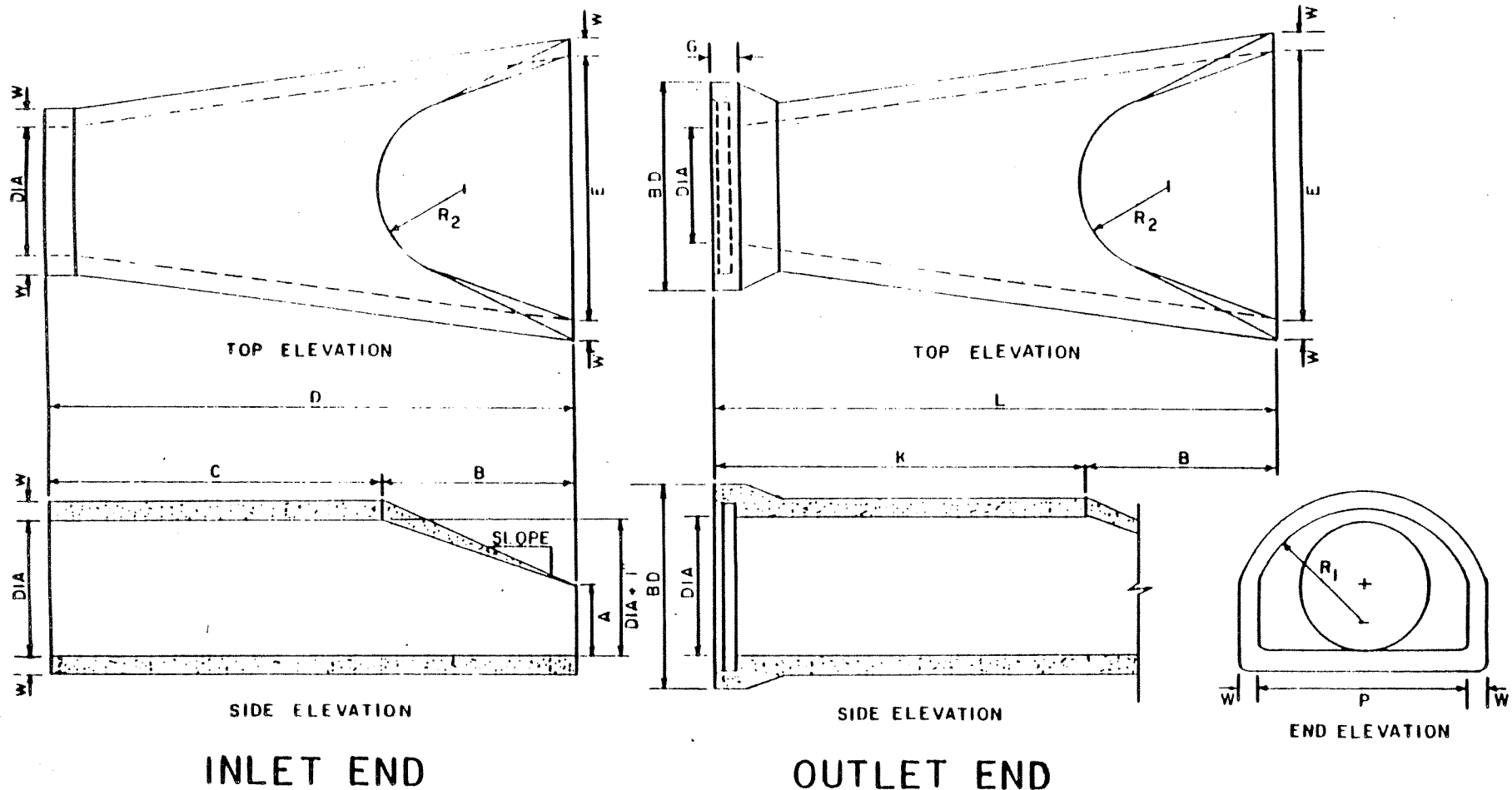
NOTE: ON ALL CONCRETE HEADWALLS
THE REINFORCEMENT BARS HAVE
A MINIMUM DEPTH OF 2" FROM
SURFACE

TOWN OF ACTON
COMBINATION HEADWALL
ENGINEERING DEPT.

SCALE: NONE

APR, 1974

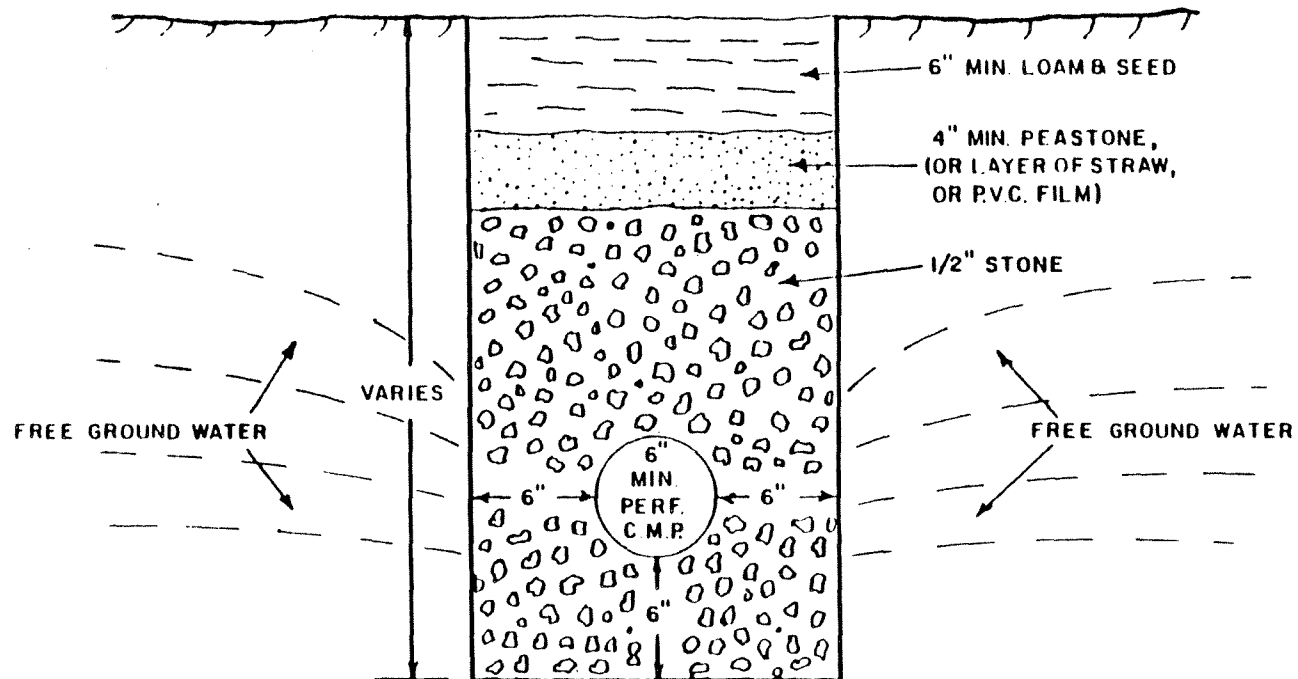
TYPICAL FLARED CONCRETE PIPE ENDS



DIA	W	A	B	C	D	E	BD	K	L	P	DIA +1	R	R	S	G	SLOPE
12"	2"	4"	2'-0"	4'-0"	6'-1 3/8"	2'-0"	20"	4'-6 1/8"	6'-6 1/8"	19 5/16"	13"	10 1/8"	9"	4"	2 1/2"	3:1
15	2 1/4	6	2'-3"	3'-10"	6'-1 1/2"	2'-6"	24	4'-3 1/8"	6'-6 1/8"	24 5/16"	16	12 1/2"	11	4	2 1/2"	3:1
18	2 1/2	9	2'-3"	3'-10"	6'-1"	3'-0"	28	4'-3 7/8"	6'-6 7/8"	29	19	15 1/2"	12	4	2 3/4"	3:1
21	2 3/4	9	2'-11"	3'-2"	6'-1"	3'-6"	32	3'-0 1/8"	6'-7 5/16"	31 5/8"	22	16 1/8"	13	4	2 3/4"	3:1
24	3	9 1/2	3'-7 1/2"	2'-6"	6'-1"	4'-0"	36	3'-0 1/2"	6'-8"	33 3/16"	25	16 13/16"	14	4	3	3:1

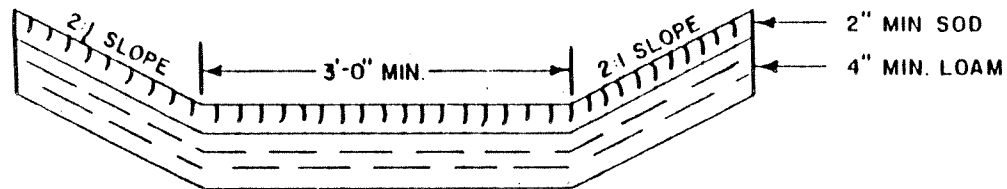
TOWN OF ACTON
FLARED CONCRETE PIPE ENDS
 ENGINEERING DEPARTMENT
 SCALE: NONE
 DEC, 1973

TYPICAL SUBDRAIN SECTION

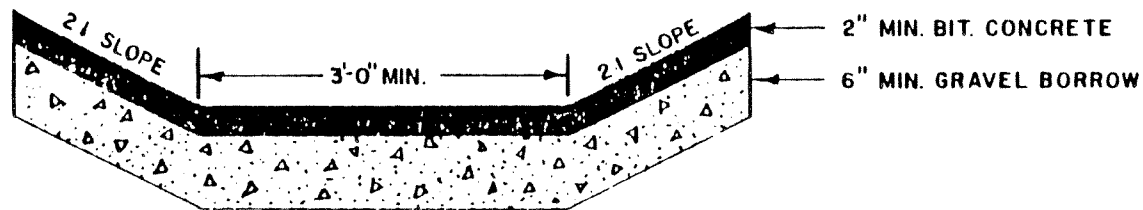


TOWN OF ACTON
TYPICAL SUBDRAIN SECTION
ENGINEERING DEPT.
SCALE: NONE JULY, 1974

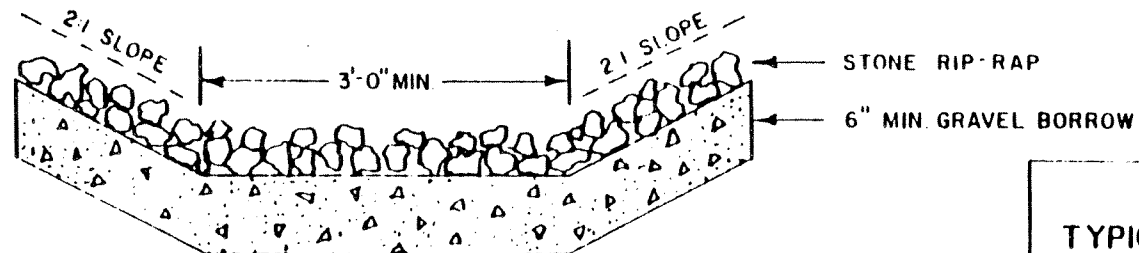
TYPICAL WATERWAY SECTIONS



-OR-

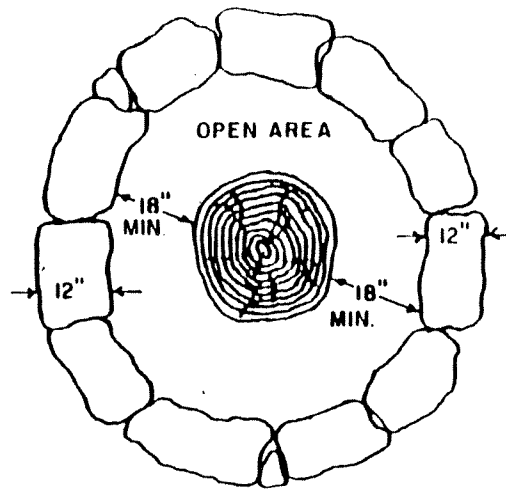


-OR-

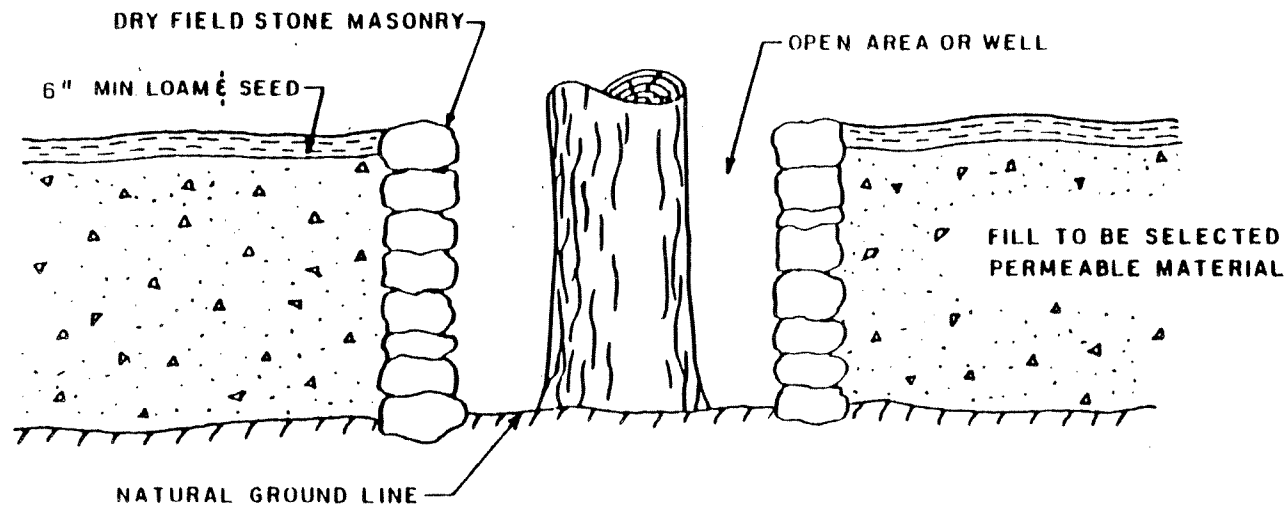


TOWN OF ACTON
TYPICAL WATERWAY SECTIONS
ENGINEERING DEPT
SCALE: NONE JULY, 1974

TYPICAL TREE WELL PLAN & SECTION



NOTE: STONES SHALL BE NOT LESS
THAN 12" LONG



M-1

TOWN OF ACTON
TYPICAL TREE WELL
ENGINEERING DEPT.

SCALE: NONE

APR, 1974

3235

PLANTING DETAILS

AS SPECIFIED BY THE
ACTON TREE WARDEN
FOR THE ACTON
SUBDIVISION RULES
AND REGULATIONS

OCTOBER 1986

REINFORCED NEW RUBBER
HOSE 1/2" I.D.

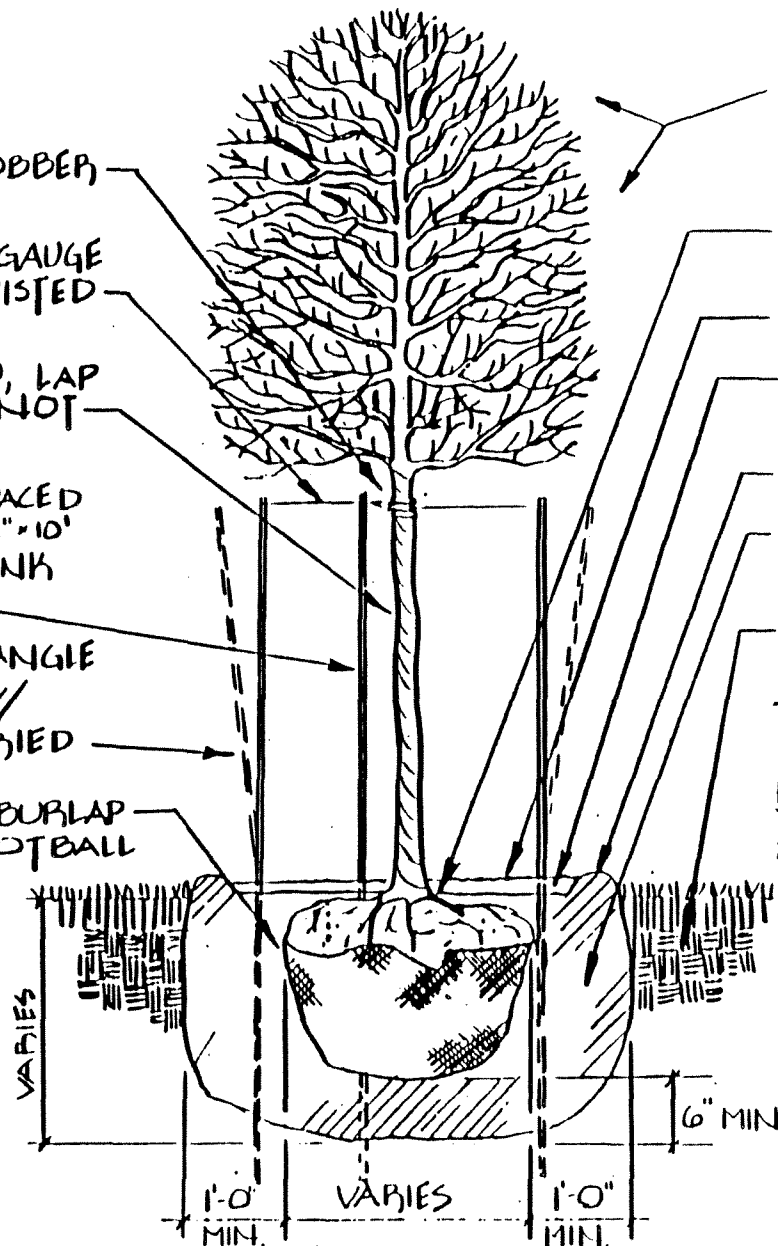
DOUBLE STRAND #12 GAUGE
GALV. ANNEALED TWISTED
WIRE.

TREE WRAP APPROVED, LAP
ENDS DOWN, DO NOT
STAPLE

3 STAKES - EQUALLY SPACED
AROUND TREE - 2 1/2" x 2 1/2" x 10'
SPACED 18" FROM TRUNK
PAINTED BLACK.

STAKES DRIVEN AT ANGLE
& PULLED VERTICAL W/
WIRE, MIN. 40" BURIED

REMOVE NATURAL BURLAP
FROM TOP 1/2 OF ROOTBALL
REMOVE ALL
SYNTHETIC BURLAP
FROM ROOTBALL.



THIN BRANCHES & FOLIAGE
(NOT ALL END TIPS) BY 1/3,
RETAINING NORMAL PLANT
SHAPE.

MAINTAIN ORIGINAL SOIL LINE
WHEN FILLING

2" DEPTH BARK MULCH

SAUCER, CAPABLE OF HOLDING
4" OF WATER

EARTH BERM

PLANTING SOIL: 3/4 LOAM,
1/8 SAND, 1/8 PEAT MOSS

EXISTING SUBGRADE

NOTE:

1. EXACT LOCATION OF ALL PLANTS
TO BE DETERMINED IN THE FIELD
BY THE APPLICANT AND TREE
WARDEN.

2. ALL TREES SHALL HAVE FULL AND
UNIFORM BRANCHING.

3. TREES SHALL NOT BE LESS
THAN 8 FEET IN HEIGHT AND
SHALL BE NURSERY GROWN
STOCK.

DECIDUOUS TREE PLANTING DETAIL

THIN BRANCHES & FOLIAGE
(NOT ALL END TIPS) BY $\frac{1}{3}$,
RETAINING NORMAL PLANT SHAPE.

MAINTAIN ORIGINAL SOIL LINE
WHEN FILLING

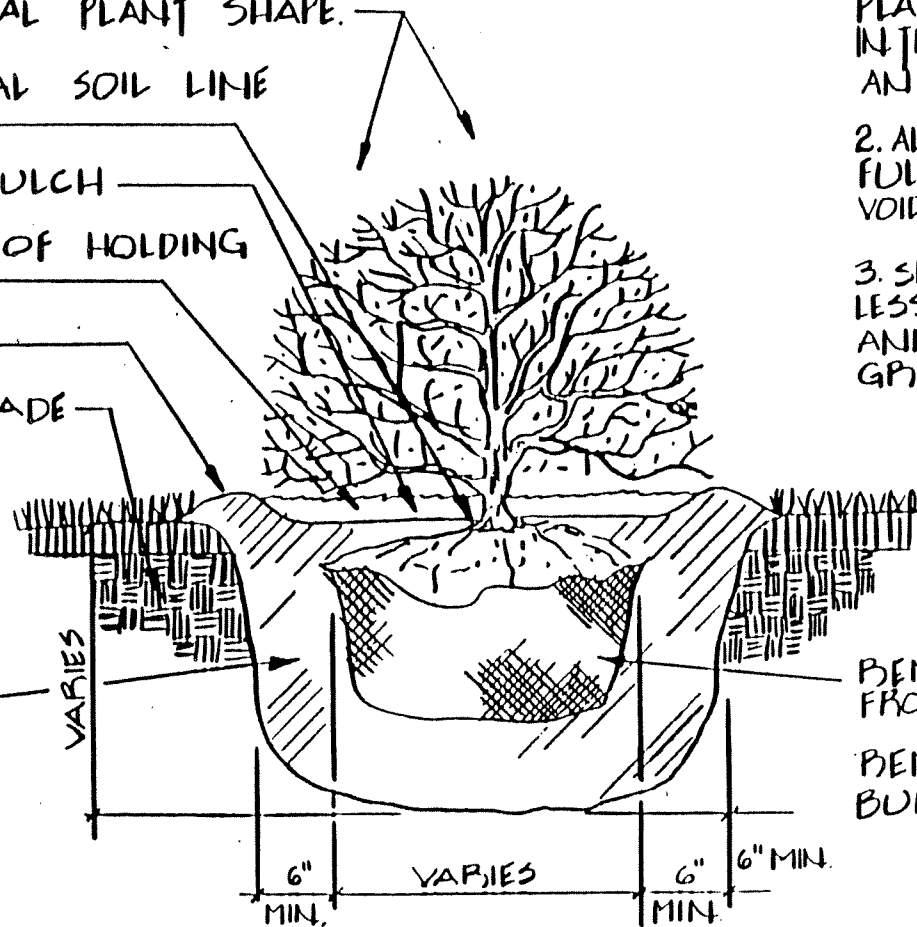
2" DEPTH BARK MULCH

SAUCER CAPABLE OF HOLDING
4" OF WATER

EARTH BERM

EXISTING SUBGRADE

PLANTING SOIL:
 $\frac{3}{4}$ LOAM
 $\frac{1}{8}$ SAND
 $\frac{1}{8}$ PEAT MOSS



NOTE:

1. EXACT LOCATION OF ALL
PLANTS TO BE DETERMINED
IN THE FIELD BY THE APPLICANT
AND TREE WARDEN.

2. ALL SHRUBS SHALL HAVE
FULL AND UNIFORM BRANCHING,
VOID OF ANY OPEN OR FLAT SIDES.

3. SHRUBS SHALL NOT BE
LESS THAN 18" IN SPREAD
AND SHALL BE NURSERY
GROWN STOCK.

REMOVE NATURAL BURLAP
FROM TOP $\frac{1}{2}$ OF ROOT BALL

REMOVE ALL SYNTHETIC
BURLAP FROM ROOTBALL

SHRUB PLANTING DETAIL

PLANT SPECIES FOR CUL-DE-SAC ISLANDS & CHOKERS

I. Tall Growing Deciduous Shade Trees Minimum of 10 feet in height and caliper size 1.5" - 2" at planting time. One tree per 400 square feet.

Acer platanoides (Norway Maple)
Phellodendron amurense (Amur Cork)
Quercus palustris (Pin Oak)Zelkova
Zelkova serrata (Zelkova)
Gliditsia triacanthos inermis (Thornless Honeylocust "Skyline")
Tilia cordata (European Littleleaf Linden "Greenspire")

Acer rubrum (Red Maple)
Quercus velutina (Black Oak)Larch
Quercus borealis (Northern Red Oak)
Larix sp . (Larch)
Platanus acerifolia (London Plane Tree)
Franxinus pennsylvanica (Green Ash "Marshall's Seedless")

II. Small Deciduous Ornamental Trees Minimum of 8 feet in height and caliper size 1" - 1.5" at planting time. One tree per 225 square feet.

Cornus Kousa (Japanese Dogwood)
Malus species (Crabapple species)
Syringa reticulata (Japanese tree lilac)
Pyrus calleryana (Bradford Pear, Redspire Pear)

Crataegus species (Hawthorn species)
Prunus serrulata (Kwanzan cherry)
Prunus subhirtella (Higan cherry)

III. Deciduous Shrubs for Screening

Syringa vulgaris (Common lilac)
Potentilla sp. (Potentilla)
Forsythia sp. (Forsythia)
Kerria japonica (Kerria)
Viburnum trilobum (American Cranberry Bush)
Rhododendron P.J.M. (P.J.M. Rhododendron)

Rosa Rugosa (Rugosa rose)
Euonymus alatus (Burning Bush)
Spirea sp. (Spirea)
Berberis koreana (Korean bayberry)
Philadelphus virginialis (Mock Orange)

IV. Evergreen Shrubs for Screening

Taxus sp. (Yew)
Pinus mugo (Mugo Pine)

Juniperus sp. (Juniper)
Thuja occidentalis (American arborvitae)

V. Groundcovers

Vinca Minor (Periwinkle)
Pachysandra terminalis (Japanese Spruce)
Hemerocallis (Daylillies)

Juniperus sp. (Low junipers)
Cotoneaster sp. (Ground cotoneaster)

Appendix C

<u>SUBDIVISION FEE SCHEDULE</u>	
PRELIMINARY PLAN	\$1000.00 or \$500.00 + \$0.50/foot of road, whichever is greater
DEFINITIVE PLAN	
Following a Preliminary Plan	\$2000.00 + \$5.00/foot of road
Without Preliminary Plan	\$2500.00 + \$8.00/foot of road
Modification or Amendment	\$2000.00 + \$5.00/foot of road
Rescission	\$500.00
ANR PLAN	
No New Lot Lines	\$25.00
New Lot Lines	\$100.00 + \$50.00/lot

